

## (Majority Report.)

Committee Room,  
Austin, Texas, March 14, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

H. B. No. 162.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

## (Minority Report.)

Committee Room,  
Austin, Texas, March 14, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

H. B. No. 162.

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

SMITH,  
FLOYD.

## FORTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, March 16, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

## Bills and Resolutions.

By Senator Davis:

S. B. No. 466, A bill to be entitled "An Act to make an appropriation of the sum of ten thousand dollars or so much thereof as may be necessary, payable out of the general revenue not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of the officers and employes of the Thirty-ninth Legislature of the State of Texas, providing for the approval of accounts, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Davis:

S. B. No. 467, A bill to be entitled "An Act making an appropriation for two years of any unexpended balance of an appropriation made to acquire additional lands for the University of Texas, which appropriation was made by the Thirty-eighth Legislature at its Third Called Session, said Act being Chapter 20 of the General Laws of the Third Called Session of the Thirty-eighth Legislature; the appropriation being made in view of the bonds given in pursuance of Chapter 137, General Laws, Regular Session, Thirty-seventh Legislature, and Chapter 20, General Laws, Third Called Session, Thirty-eighth Legislature, which bonds guarantee that such lands may be acquired at a cost not to exceed the amount appropriated by the Legislature for that purpose, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Smith:

S. B. No. 468, A bill to be entitled "An Act adding to and making a part of the Center Common School District No. 34 of Fisher County, Texas, certain lands and territory contiguous therein and described by metes and bounds herein, conferring upon the board of trustees of the said common school district the authority and jurisdiction over such lands and territory and the inhabitants thereof as are prescribed by the General Laws governing common school districts; repealing all laws and parts of laws, general and special, including S. B. No. 257 passed by the Thirty-ninth Legislature in direct conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Moore of Hunt and Stuart:

S. B. No. 469, A bill to be entitled "An Act making an appropriation of \$150,000.00 to construct and equip a psychopathic hospital in the City of Dallas, as provided for in H. B. No. 249, passed by the Thirty-ninth Legislature, 1925, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Berkeley:

S. B. No. 470, A bill to be entitled "An Act providing for the sale to the United States of twenty-two acres of land owned by the State of Texas located near El Paso and known as the abandoned site of the school of Mines and Metallurgy; regulating the manner, terms and price of the sale; authorizing and empowering the Governor to make the sale; providing for the payment of the purchase money into the State Treasury for the benefit of the permanent fund of the University; directing the issuance and delivery of patent by the Commissioner of the General Land Office, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

#### House Bill No. 249—Free Conference Committee Report.

By Senator Berkeley:

Austin, Texas, March 10, 1925.

Hon. Lee Satterwhite, Speaker of the House; Hon. Barry Miller, President of the Senate.

Sirs: We, the Free Conference Committee, appointed by the House and Senate to adjust the differences on H. B. No. 249, being an Act to reorganize the eleemosynary institution of the State, beg leave to report that we have had said bill under consideration, and have agreed on a substitute bill in the form of two amendments which are attached hereto.

We recommend the passage of said substitute bill.

Respectfully submitted,

WALLACE,

BOGGS,

DUNN of Hopkins,

ROGERS,

FLORENCE,

On the part of the House.

BERKELEY,

STRONG,

MURPHY,

WITT,

On the part of the Senate.

Amend H. B. No. 249 by striking out all after the enacting clause and by inserting in lieu thereof the following:

Section 1. That the names of the various Insane Hospitals and Asylums, and of the State Epileptic Colony and the State Colony for Feeble Minded, shall be changed, and those institutions which have been heretofore created for the care and treatment of the insane, epileptic and feeble minded, shall hereafter be designated as follows:

(a) The East Texas Hospital for Insane, which is located at Rusk, in Cherokee County, Texas, shall hereafter be known as the Rusk State Hospital, and it is hereby so named.

(b) The Northwest Texas Insane Asylum, which is located at Wichita Falls, in Wichita County, Texas, shall hereafter be known as the Wichita Falls State Hospital, and it is hereby so named.

(c) The North Texas Hospital for the Insane, which is located at Terrell, in Kaufman County, Texas, shall hereafter be known as the Terrell State Hospital, and it is hereby so named.

(d) The Southwestern Insane Asylum, which is located at San Antonio, in Bexar County, Texas, shall hereafter be known as the San Antonio State Hospital, and it is hereby so named.

(e) The State Lunatic Asylum, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Austin State Hospital, and it is hereby so named.

(f) The State Colony for Feeble Minded, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Austin State School, and it is hereby so named.

(g) The State Epileptic Colony, which is located at Abilene, in Taylor County, Texas, shall hereafter be known as the Abilene State Hospital, and it is hereby so named.

Sec. 2. All laws now in force in any way affecting the East Texas Hospital for the Insane, the Northwest Texas Insane Asylum, the North Texas Hospital for Insane, the Southwestern Insane Asylum, the State Lunatic Asylum, the State Colony for Feeble Minded and the State Epileptic Colony, shall apply to the Rusk State Hospital, the Wichita Falls State Hospital, the Terrell State Hospital, the San Antonio State Hospital, the Austin State Hospital, the Austin State School and the Abilene

State Hospital, subject to such changes in said laws as shall be hereinafter made.

Sec. 3. The Board of Control shall divide the State into hospital districts, may change the districts from time to time, and shall designate the State hospitals to which insane, epileptic and feeble minded persons from each district shall be admitted, and may transfer patients from one institution to another. All such persons within any such district when committed, shall be committed to the State hospital designated for that district.

Sec. 4. The Board of Control, directly or through an authorized agent or agents, may make contracts fixing the price for the support of patients in any State hospital or psychopathic hospital at a sum not to exceed the actual cost of such patient or for such part thereof as such relative or estate may be able to agree to pay, and binding the persons making such contracts to payment thereunder. The Board of Control is authorized to demand investigation to determine whether or not a patient is possessed of or entitled to property and whether or not some other person is legally liable for his support and able to pay therefor. The county judge having jurisdiction, may from time to time, upon request of the Board of Control, cite the guardian of such patient, or other persons legally liable for his support, to appear at some regular term of the county court for civil business, then and there to show cause why the State should not have judgment for the amount due it for the support and maintenance of such patient; and, if sufficient cause be not shown, judgment may be entered against such guardian or other persons for the amount found to be due the State, which judgment may be enforced as in other cases. The certificate of the superintendent of the State hospital or psychopathic hospital wherein such patient is being treated as to the amount due shall be sufficient evidence to authorize the court to render judgment. The county attorney shall appear and represent the State in all cases provided for in this section.

Sec. 5. The superintendent of the psychopathic hospitals hereinafter mentioned shall be appointed by the Board of Control. Each superintendent shall be a well qualified physician, thoroughly trained in psychiatry, and experienced in hospital man-

agement. He shall reside at the hospital and shall devote his whole time exclusively to the duties of his office. Each superintendent shall be appointed for an indefinite time, his continuance in service being determined by the character of administration rendered by the hospital, and shall receive a salary of four thousand (\$4,000.00) dollars per annum, payable monthly; provided that any superintendent may be dismissed by the Board of Control for good cause, the reasons for such dismissal to be specified in writing, and filed with the Secretary of State.

Sec. 6. The Board of Control may through its agents and institutions, develop a mental hygiene clinic service for co-operation with the State Department of Public Instruction and local board of education in the study of the mental and physical health of children who are seriously retarded in school progress or in mental development, and of all children who present problems in personality development.

Sec. 7. There shall be established and maintained a psychopathic hospital at Galveston to be known as the Galveston State Psychopathic Hospital, and one at Dallas to be known as the Dallas State Psychopathic Hospital. The Galveston State Psychopathic Hospital shall be a hospital for the treatment of nervous and mental diseases, both in the hospital and out patient clinic, and shall be available as a part of the teaching facilities in mental medicine for the State Medical College. The Dallas State Psychopathic Hospital shall be a hospital for the treatment of nervous and mental diseases, both in the hospital and in out patient clinic.

Sec. 8. A person alleged to be insane, and who is not held on a criminal charge, may be committed to and confined in an institution for the custody and treatment of the insane and of other persons suffering from mental illnesses upon an order made by a county judge of the county in which the alleged insane person resides or may be, adjudging such person to be insane, upon a certificate of insanity made by two properly qualified and licensed physicians, accompanied by a verified petition therefor, or upon such certificate and petition and after a hearing to determine such question, as hereinafter provided. The Board of Control shall prescribe and furnish

forms for such certificates and petitions, which shall be made only upon such forms. An insane person shall be committed only to an institution for the treatment of insane and of other persons suffering from mental illnesses, or to the care and custody of a relative; provided, that any person or someone for him may demand a jury trial as to his mental state.

Sec. 9. No person shall be committed to any institution for the treatment of the insane and other mentally ill persons, unless there has been filed with the county judge a certificate of the insanity of such person by two properly qualified and licensed physicians, nor without an order therefor, signed by the county judge, stating that he finds that the person committed is insane, and is a proper subject for treatment in a hospital for the insane, and either that he has been an inhabitant of the State for the six months immediately preceding such time or that provision satisfactory to the Board of Control has been made for his maintenance, or that by reason of insanity he would be dangerous if at large. The order of commitment shall also authorize the custody of the insane person either at the institution to which he shall first be committed or at some other institution to which he may be transferred by order of the Board of Control. Neither of the physicians mentioned in this section shall be relative of the person applying for the order, or of the person alleged to be insane, nor shall he be a manager, superintendent, proprietor, officer, stockholder, or have any pecuniary interest, directly or indirectly, or be an attending physician in the institution to which it is proposed to commit such alleged insane person.

Sec. 10. The judge to whom such application for commitment is made, may, if no demand is made for a jury trial in behalf of the alleged insane person, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane, may immediately issue an order for the commitment of such person to an institution for the custody and treatment of the insane.

Upon the demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing

of such application before him at a time not more than five days from the date of such order, which shall be served upon the parties interested in the application and upon such other persons as the judge, in his discretion may name. Upon such day, or upon such other day to which the proceedings shall be legally adjourned, he shall hear the testimony introduced by the parties and examine the alleged insane person if deemed advisable, at some place which may be either in the court house of the county or at the residence or place of detention of the person named, and render a decision in writing as to such person's insanity. If it be determined that such person is insane the judge shall forthwith issue his order committing him to an institution for the custody and treatment of the insane and other mentally ill persons, or make such other order as is herein provided for; provided, in any proceedings under this Act the person alleged to be insane and appearing before the county judge, or any person interested in such person, shall have the right to demand for such alleged insane person a trial by jury, which shall be granted as in other cases, or the county judge may, in his discretion, issue a warrant to the sheriff or his deputy, directing him to summon a jury of six men to hear and determine whether the alleged insane person is insane.

Sec. 11. In no case shall any insane person be confined in any other place than an institution for the treatment of the insane and other mentally ill persons, for a period longer, than thirty days, nor shall such person be committed as a disorderly person to any prison, jail or lockup for criminals, except when in the judgment of the county health officer no other quarters suitable for the detention of such insane person can be provided. The county health officer in the county wherein an insane or alleged insane person may be shall see that such person is cared for in a place suitable for the comfortable, safe and humane confinement of such person, pending the determination of the question of his insanity and until his transfer to an institution for the treatment of the insane and other mentally ill persons. If, in case of emergency, any such person is so placed or detained in a jail or other lockup, he shall forthwith be exam-

ined by a physician and shall be furnished suitable medical care and nursing. The reasonable expense for board, lodging, medical care, nursing, clothing and all other necessary expenses incurred by the county health officer under this section, shall be allowed by the commissioners' court and paid out of the general fund of the county. In all cases of commitment of an insane person to jail or other place of temporary restraint, a notice of such commitment, giving the name and condition of patient and character of place to which he is committed, shall be sent immediately to the State Board of Control by the judge ordering the commitment.

Sec. 12. Article 161, of Chapter 1, Revised Civil Statutes of Texas, shall be amended so as to hereafter read as follows:

"Article 161. Immediately after any person is adjudged insane the county judge shall communicate with the superintendent of the State hospital or psychopathic hospital of the district in which said person resides or may be at the time, and, if notified by the latter that there is a vacancy in the institution, he shall issue a warrant to the sheriff or some other suitable person, directing him to convey the insane person to the hospital without delay. The county judge may permit by specific order the assistance of one additional person to such office in cases where he deems such assistance necessary. Each female committed to any institution for the treatment of the insane and of other mentally ill persons shall be accompanied by a female attendant, unless accompanied by her father, brother, husband or son, during conveyance to such institution."

Sec. 13. If a person is found by two properly qualified and licensed physicians to be in such mental condition that his commitment to an institution for the treatment of the insane and other mentally ill persons is necessary for his proper care or observation, he may be committed by the county judge to a State hospital for thirty-five days pending the determination of his insanity; within thirty days after such commitment, the superintendent of the institution to which the person has been committed shall discharge him if he is not insane, and shall notify the judge who committed him, or if

he is insane he shall report the patient's mental condition to the judge with the recommendation that he shall be committed as an insane person or discharged to the care of his guardian, relatives, or friends, if he is harmless and can properly be cared for by them, within the said thirty-five days, the committing judge may authorize a discharge as aforesaid, or he may commit the patient to the institution as an insane person, if, in his opinion, such commitment is necessary. If in the opinion of the judge, additional medical testimony as to the mental condition of the alleged insane person is desirable, he may appoint a physician to examine and report thereon.

Sec. 14. The superintendent of any institution for the treatment of the insane and other mentally ill person, may, without the order of a county judge, receive into his custody and detain in such institution for not more than five days any person whose case is certified to be one of violent and dangerous insanity or of other emergency by two properly qualified and licensed physicians, which certificate shall be filed with a county judge as the certificate required in Section 9 of this Act. Any peace officer shall, upon the request of the applicant or of one of the said physicians, cause the arrest and delivery of such person to such superintendent. The person applying for such admission shall within five days cause the alleged insane person to be committed to or removed from the institution, and upon his failure so to do, he shall be liable to the State for the expenses incurred and to a penalty of fifty dollars (\$50.00), which may be recovered by the State.

Sec. 15. The superintendent of any institution for the care of the insane and of other mentally ill persons, may when requested by a physician or by a health officer, or peace officer, receive and care for as a patient in such institution, for a period not exceeding ten days, any person needing immediate care and treatment because of mental derangement other than delirium tremens or drunkenness. Such request for admission of a patient shall be put in writing and shall be filed at the institution at the time of the patient's reception or within twenty-four hours thereafter, together with the applicant's statement in the form procured or approved by the Board of Control giving such information as it

deems advisable. Any such patient deemed by the superintendent as unsuitable for such care shall, upon the request of the superintendent, be removed forthwith from the institution by the party requesting his reception, and if he is not so removed, such person shall be liable to the State for all reasonable expenses incurred under this section on account of the patient, which may be recovered by the State. The superintendent shall cause every such patient either to be examined by two physicians, properly qualified and licensed, who shall cause application to be made for this admission or commitment to such institution, or to be removed therefrom before the expiration of said period of ten days, unless he signs a request to remain therein as a voluntary patient as hereinafter provided. Reasonable expenses incurred for the examination of the patient and his transportation to the institution shall be allowed by the commissioners' court and paid out of the general fund of the county in which the patient resides or may be at the time of application.

Sec. 16. The superintendent of any institution to which an insane or other mentally ill person may be committed, may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment, and who, being mentally competent to make such application, makes written application therefor; and any such person who desires to so submit himself for treatment may make such written application. No such person shall be detained more than three days after having given written notice of his intention or desire to leave the institution. Whenever any such person is received into any institution, the superintendent thereof shall give immediate notice of such reception to the Board of Control.

Sec. 17. The superintendent of any institution, after the examination as hereinafter provided, may permit any inmate thereof temporarily to leave such institution in charge of his guardian, relatives, friends, or by himself, for a period not exceeding twelve months, and may receive him when returned by any such guardian, relative, friend, or upon his own application, within such period, without any further order of commitment, but no patient, who has been adjudged insane in accordance with the provisions of the Code

of Criminal Procedure, shall be permitted to temporarily leave such institution without the approval of the Governor, nor shall such permission terminate or in any way affect the original order of commitment. The superintendent may require as a condition of such leave of absence, that the person in whose charge the patient is permitted to leave the institution, shall make reports to him of the patient's condition. Any such superintendent, guardian, relative or friend may terminate such leave of absence at any time and authorize the arrest and return of the patient. Any peace officer of this State shall cause such patient to be arrested and returned upon the request of any such superintendent, guardian, relative or friend. Any patient, except such as are charged with, or convicted of some offense, and have been adjudged insane in accordance with the provisions of the Code of Criminal Procedure, who has returned to the institution at the expiration of twelve months may be granted an additional leave by the superintendent or upon his recommendation.

Sec. 18. No patient in a State hospital shall be discharged therefrom or permitted to leave on a temporary visit without suitable clothing; and the Board of Control may furnish the same, and such an amount of money, not exceeding twenty dollars (\$20.00) as they may consider necessary. Inquiry shall be made into the future situation of every patient about to be discharged or permitted to be temporarily absent, and precautionary medical advice shall be given him. No patient shall be discharged or permitted to be temporarily absent from any institution without a personal examination of his mental condition made by one of the hospital physicians within forty-eight hours of his departure, the result of which shall be entered in his case record.

Sec. 19. No restraint in the form of muffs, waist straps, wristlets, anklets, camisoles, lock chairs, lock cribs, protection sheets or other devices interfering with free movement shall be imposed upon any patient in any institution unless applied in the presence of the superintendent or of the physician or of an assistant physician of the institution, or on his written order, which order shall be preserved in the files or records of the institution. Such device shall

be applied only in cases of extreme violence, active, homicidal and suicidal condition, physical exhaustion, infectious disease or following an operation or acts which have caused serious bodily injury; except that in cases of emergency restraint may be imposed without the presence of the superintendent, physician or assistant physician and without a written order; but each such emergency case after the imposition of such restraint shall be immediately reported to the superintendent or to the physician or assistant physician of the institution who shall immediately investigate the case and approve or disapprove of the restraint imposed.

Sec. 20. The superintendent or head physician of every institution or in his absence, one of the assistant physicians shall personally keep under lock and key all implements or devices of restraint not in actual use.

Sec. 21. The superintendent or head physician of each institution shall cause to be kept in a book provided for the purpose, records of all cases wherein restraint is used. Such record shall be open for inspection at all time by the Director of the Division of Mental Hygiene, by the Board of Control and by all other persons having control of the institution and other State officers, and shall contain a complete record relative to the restraint, including the cause for the same, the form used, the name of the patient, the time when the patient was placed under restraint and the time when he was released. Restraint as here used shall include therapeutic and chemical restraint, and confinement in a strong room as well as seclusion in solitary confinement, except when patients are placed in single rooms at night, but shall not include the prolonged bath, the hot or cold pack, or a medication when it is used as a remedial measure and not as a form of restraint.

Sec. 22. Any supervisor, attendant or other employe of any institution who knowingly violates or willingly permits to be violated any provision of the three preceding sections shall be punished by a fine of not less than fifty (\$50.00) dollars, nor more than three hundred (\$300.00) dollars.

Sec. 23. That Articles 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 150, 151, 152, 158, 159 and 160 of Chapter 1, Title 10 of the Revised Civil Statutes of Texas, and

all laws and parts of laws in conflict with this Act, be, and they are hereby expressly repealed.

Sec. 24. Nothing herein shall be held to affect or repeal the provisions of any law now existing or hereinafter enacted relating to the appointment of guardians of insane persons, or persons of unsound mind.

Sec. 25. In the event that any section or provision of this Act should for any reason be held unconstitutional by the courts of this State, the same shall not affect any other section or provision of the Act, and the Legislature does hereby desire that it would have enacted each and all of the provisions of this Act without reference to any other section or provision.

Sec. 26. The fact that better diagnosis, treatment and care of persons who are mentally ill is urgently needed, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring that bills be read on three several days in each house, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amend H. B. No. 249, by striking out the caption and by inserting in lieu thereof the following caption:

H. B. No. 249.

#### A BILL

#### To be Entitled

An Act providing for the care, restraint, diagnosis and treatment of persons who are insane, mentally ill or mentally defective; providing for, regulating, and providing for operation of public institutions and hospitals for such persons; providing for the necessary officers, agents, agencies and employes for such purpose and to administer and enforce the laws relative to such persons; providing for sustenance and maintenance of such persons; providing for education and research relating to such persons; providing psychopathic research and hospitals; providing for the adjudication of insanity or mental sickness or defect, the commitment and restraint of persons so afflicted; prescribing rules and regulations and defining offenses in connection with the care and treatment of such persons; providing the necessary funds and fixing necessary salaries to carry out the purpose of this Act; repealing provisions of the

Revised Civil Statutes and all other laws in conflict herewith, and declaring an emergency.

Senator Berkeley moved that the above report be adopted, and Senator Moore of Hunt moved, as a substitute, that the report be rejected and referred back to the committee for further consideration.

Senator Hardin of Kaufman moved to table the substitute motion, which motion to table was adopted.

The motion to adopt the report was then adopted, by the following vote:

Yeas—19.

Berkeley.	Murphy.
Davis.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Triplett.
Lewis.	Witt.
Miller.	Wood.
Moore of Cooke.	

Nays—6.

Bailey.	Parnell.
Bowers.	Reid.
Moore of Hunt.	Stuart.

Absent.

Bledsoe.	Ward.
Parr.	Wirtz.
Russek.	Woodward.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 16, A bill to be entitled "An Act to amend Section 1 of Chapter 5, of the General Laws of the First Called Session of the Thirty-third Legislature, relating to indeterminate sentences, the purpose of this amendment being to provide for the discharge of certain convicts under indeterminate sentences upon certain conditions, and providing that this Act shall apply to convicts now serving indeterminate sentences in the penitentiary as well as to those who shall hereafter be sentenced to indeterminate terms of imprisonment in the penitentiary."

H. B. No. 677, A bill to be entitled "An Act to create Henderson Independent School District in Concho County, Texas."

H. B. No. 678, A bill to be entitled "An Act to amend Chapter 8, Special Laws of the Thirty-sixth Legislature, Third Called Session, the same being an Act creating and establishing the Paint Rock Independent School District in Concho County, Texas."

S. B. No. 208, A bill to be entitled "An Act to amend Article 4703 of Chapter 1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to survival of causes of action for personal injuries and injuries resulting in death, and providing for the survival of causes of action for injuries resulting in death where the tortfeasor dies before suit is instituted, and declaring an emergency."

S. B. No. 440, A bill to be entitled "An Act to amend Chapter 75 of the Acts of the Third Called Session of the Thirty-sixth Legislature, creating the Emory Independent School District, by adding thereto Section 14, permitting adjoining territory to be incorporated in the Emory Independent School District, upon petition of qualified voters adjoining said school district, and declaring an emergency."

S. B. No. 445, A bill to be entitled "An Act creating and incorporating the Bullard Independent School District lying in the counties of Smith and Cherokee in the State of Texas; defining the boundaries thereof; providing for a board of trustees thereof; placing said independent district under the control of the General Laws governing independent districts; providing that no outstanding indebtedness of the Bullard Independent District be invalidated; providing for the annexation of territory, and declaring an emergency."

S. B. No. 451, A bill to be entitled "An Act creating a board of managers for the State's iron industries and properties in connection therewith at and near Rusk, Texas; providing for the appointment and prescribing the duties of its members; directing the Prison Commission to transfer possession of said properties to the board of managers herein created; authorizing said board of managers to sell or lease any and all of said property and to collect outstanding obligations heretofore contracted; providing for reports by said board repealing all laws and part of laws in conflict herewith, and declaring an emergency."

S. B. No. 449, A bill to be entitled "An Act to create a more efficient



road system for Wood County, etc."

S. B. No. 453, A bill to be entitled "An Act to amend Section 14 of an Act of the Thirty-ninth Legislature approved March 10, 1925, relating to the sale of oil and gas leases on University lands and extension of oil and gas permits heretofore and hereafter issued by providing the conditions upon which said permits may be extended, and declaring an emergency."

The House has adopted the report of the Free Conference Committee on S. B. No. 310.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives

#### Senate Bill No. 466.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 466 put on its second reading, by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bowers.	Price.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Real.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Witt.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.
Murphy.	

Absent.

Bledsoe.	Ward.
Pollard.	Wirtz.

The Senate rule, requiring committee reports to lay over for one day, was suspended.

The Chair laid before the Senate, on second reading,

S. B. No. 466, A bill to be entitled "An Act providing supplemental appropriation (\$10,000.00) to pay mileage and per diem of members and employes of the Thirty-ninth Legislature."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was sus-

pended and S. B. No. 466 put on its third reading and final passage, by the following:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Absent.

Bledsoe.	Wirtz.
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S. B. No. 466 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent.

Bledsoe.

#### Senate Bill No. 467.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 467 put on its second reading, by the following vote:

Yeas—30.

Bowers.	Hardin of Kaufman.
Bailey.	Holbrook.
Berkeley.	Lewis.
Davis.	Miller.
Fairchild.	Moore of Hunt.
Floyd.	Moore of Cooke.
Hardin of Erath.	Murphy.

Parnell.	Strong.
Parr.	Stuart.
Pollard.	Triplett.
Price.	Ward.
Real.	Wirtz.
Reid.	Witt.
Russek.	Wood.
Smith.	Woodward.

Absent.

Bledsoe.

The Senate rule, requiring committee reports to lay over for one day, was suspended.

The Chair laid before the Senate, on second reading,

S. B. No. 467, A bill to be entitled "An Act making an appropriation for two years of any unexpended balance of an appropriation made to acquire additional lands for the University of Texas, which appropriation was made by the Thirty-eighth Legislature at its Third Called Session, said Act being Chapter 20 of the General Laws of the Third Called Session of the Thirty-eighth Legislature; the appropriation being made in view of the bonds given in pursuance of Chapter 137, General Laws, Regular Session, Thirty-seventh Legislature, and Chapter 20, General Laws, Third Called Session, Thirty-eighth Legislature, which bonds guarantee that such lands may be acquired at a cost not to exceed the amount appropriated by the Legislature for that purpose, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 467 put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Murphy.
Berkeley.	Parnell.
Bowers.	Parr.
Davis.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman.	Russek.
Holbrook.	Smith.
Lewis.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.

Wirtz.	Wood.
Witt.	Woodward.

Absent.

Bledsoe.

S. B. No. 467 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—29.

Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Present—Not Voting.

Bailey.

Absent.

Bledsoe.

S. C. R. No. 38.

By Senator Smith:

Whereas, S. B. No. 409, creating a local independent school district in Scurry County, has been passed; and,

Whereas, the local representative from that district desires that this bill be given further consideration; now, therefore,

Be it resolved by the Senate, The House of Representatives concurring, that this S. B. No. 409 be recalled from the Governor for further consideration.

The resolution was read and adopted.

Senate Resolution No. 74.

IN MEMORY  
OF HON. D. W. ODELL.

By Senator Ward:

Whereas, Senator D. W. Odell was born on the 30th day of December, A. D. 1867, in Crockett, Houston County, Texas, and departed this life at his home in Fort Worth, Texas, December 12, 1924; and,

Whereas, Senator Odell was elected from the Tenth Senatorial District, Composed of Ellis, Hill and Johnson Counties, several years ago, and

served in the Senate of the Legislature with marked ability and great purpose and his ability as a statesman and lawyer soon gained for him recognition as a leader in the Senate, and in the Democratic party in the State.

He possessed a very strong and original personality which with his broadness of mind and versatility of mood, drew to him from every walk of life. Harboring no animosity, his gentlemanly and honorable deportment made him admired by all of his profession. Therefore,

Be it Resolved by the Senate of the Thirty-ninth Legislature of Texas, That we express our sympathy to the family and relatives of the deceased; and,

Be it further resolved, That the Secretary of the Senate be instructed to send an enrolled copy of this resolution to the family of the deceased.

WARD.

STUART.

BLED SOE.

The resolution was read and adopted by a rising vote.

#### S. C. R. No. 39.

By Senator Holbrook:

Whereas, Article 7507, Subsection 3 of the Revised Statutes of 1920, provides that all taxes due by the State to the several counties in the State wherever farms are owned and operated by the penitentiary system, shall be paid out of the revenues derived from said farms by the officers in charge; and,

Whereas, it has been brought to the attention of the Thirty-ninth Legislature that this provision of the law has not been complied with and that taxes due said counties have become delinquent; now, therefore,

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That it is the wish of this Legislature that this Statute be complied with, and that the officer or officers in charge of these several farms are hereby instructed to pay said taxes as they become due, as directed by law.

The resolution was read and adopted.

#### Senate Bill No. 223.

Senator Moore of Cooke called from the table the pending motion to reconsider the vote by which the Woodward amendment to S. B. No.

223 had been passed to engrossment, and the motion spread on the Journal.

Senator Woodward made the point of order that the motion was not germane, and the Chair sustained the point of order.

Senator Parnell then moved to rescind the vote by which S. B. No. 223 passed to engrossment, which motion to rescind was lost by the following vote, a two-third vote being necessary:

#### Yeas—9.

Bailey.	Murphy.
Fairchild.	Parnell.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	

#### Nays—16.

Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Witt.
Miller.	Wood.
Price.	Woodward.

#### Absent.

Bledsoe.	Parr.
Pollard.	Smith.
Holbrook.	Wirtz.

Action then recurred on the final passage of the bill, and the Chair laid before the Senate, on third reading,

S. B. No. 223, A bill to be entitled "An Act repealing Chapter 14 of the Laws of the State of Texas passed by the Thirty-sixth Legislature at its Third Called Session, and declaring an emergency."

Senator Moore of Cooke moved to indefinitely postpone the further consideration of the bill, which motion was lost.

The bill was finally passed.

#### Senate Bill No. 325.

The Chair laid before the Senate, on third reading,

S. B. No. 325, A bill to be entitled "An Act to authorize the establishment of co-operative credit associations for the purpose of promoting thrift among their members, of providing the members with loans for productive or remedial purposes at

reasonable rates of interests, of fostering the co-operative spirit, and for other purposes."

The bill was read third time and passed finally.

#### Senate Bill No. 259.

The Chair laid before the Senate, on third reading,

S. B. No. 359, A bill to be entitled "An Act amending Chapter 6, Section 1, pages 7 and 8 of the laws passed at the Regular Session of the Thirty-seventh Legislature, by extending for a period of five years from the date of permit, on certain specified conditions, all permits to prospect for oil and gas heretofore issued on University lands and public school land, which were unsold on February 1, 1921, and fresh water lakes and islands therein which had not expired on February 1, 1921, and extending for a period of ten years from the date of the permit on the same conditions, all permits to prospect for oil and gas heretofore issued on river beds or channels, which have not expired when this Act goes into effect, and extending for like periods and on like conditions, all permits to prospect for oil and gas heretofore issued on said lands and said areas and all permits to prospect for oil and gas heretofore issued after the Mineral Act of 1917, went into effect, on islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State of Texas within tide-water limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, which permits had expired on February 1, 1921, but on which the drilling of a well or wells had been begun in good faith or with reference to which permits and the right of the owner of the same to the possession of the area included therein bona fide litigation had existed during the whole or a part of the term of the permit, providing that said permits are extended on the conditions stated in said Act as here amended, so that said Section 1 of said Act shall hereafter read as follows, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Joint Resolution No. 10.

The Chair laid before the Senate, on third reading,

S. J. R. No. 10, A joint resolution "Proposing an amendment to the Constitution providing for taxation of school lands owned by counties."

The resolution was read third time and passed finally, by the following vote:

Yeas—24.

Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wood.
Parnell.	Woodward.

Absent.

Bailey.	Pollard.
Fairchild.	Wirtz.
Hardin of Kaufman	Witt.
Miller.	

#### House Bill No. 679.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

H. B. No. 679, A bill to be entitled "An Act to amend Chapter 76 of the General Laws of the Regular Session of the Thirty-eighth Legislature so as to continue the duration and existence of the district court of Stephens County, Ninety-second Judicial District, until April 15, 1925, and providing that as to said district court of Stephens County said Chapter 76 shall continue in force and effect until said time, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 679 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Lewis.
Berkeley.	Miller.
Bledsoe.	Moore of Hunt.
Bowers.	Moore of Cooke.
Davis.	Murphy.
Fairchild.	Parnell.
Floyd.	Parr.
Hardin of Erath.	Pollard.
Hardin of Kaufman	Price.
Holbrook.	Real.

Reid.	Ward.
Russek.	Wirtz.
Smith.	Witt.
Strong.	Wood.
Stuart.	Woodward.
Triplett.	

H. B. No. 679 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Strong.	

#### Senate Bill No. 393.

Senator Davis here filed the free conference report on S. B. No. 393, the educational appropriation bill, and stated that the printed copy would appear as a supplement to the Journal of Saturday and be delivered later in the day.

The report was laid on the table subject to call.

#### Senate Bill No. 282.

The Chair laid before the Senate, on second reading,

S. B. No. 282, A bill to be entitled "An Act regulating the making of rates of premiums by fire insurance companies and companies writing workmen's compensation; providing that before the issuing of any policies by such companies they shall submit their rates of premiums to the Commissioner of Insurance and that said rates shall not take effect until approved by him; providing that said commissioner may approve a system of schedule and experience or merit rating in workmen's compensation policies; requiring each company to uniformly apply the same rates to the same classifications of risks but authorizing the approval of different competitive rates for different companies and the same classifications, having due regard to the adequacy of the rates and the solvency of such

company and authorizing the said commissioner to require all material facts under oath; material to determine these facts; authorizing the said commissioner to prescribe uniform policies of insurance, having regard to class and kind and nature of the contract; prescribing the period for which such rates and policy forms shall remain in force and the conditions under which they may be changed; providing certain conditions and limitations on fire insurance contracts or policies prohibiting a co-insurance clause except in certain risks; requiring the State Insurance Commissioner to deliver all books, records, data, property or other thing in its possession or control relating to insurance rates, policy forms or other matters of insurance; abolishing the State Fire Insurance Commissioner, State Insurance Commission and expressly repealing Chapter 18 of the General Laws of the First Called Session of the Thirty-first Legislature, approved April 19, 1909, and Chapter 8 of the General Laws of the Fourth Called Session of the Thirty-first Legislature, approved September 6, 1910, and Chapter 106 of the General Laws of the Regular Session of the Thirty-third Legislature, approved April 2, 1913, and all laws and parts of laws in conflict herewith; prescribing penalties for the violation of any of the provisions of this Act, and declaring an emergency."

There being an adverse majority committee report and a favorable minority committee report,

Senator Moore of Cooke moved to adopt the minority committee report, which was was lost, by the following vote:

Yeas—6.

Fairchild.	Moore of Cooke.
Floyd.	Parnell.
Hardin of Erath.	Wirtz.

Nays—23.

Bailey.	Price.
Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Ward.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Bledsoe. Triplett.  
(Senator Triplett in the Chair).

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has appointed a Free Conference  
Committee on S. B. No. 438.

The speaker announces the appoint-  
ment of the following: Wester, Graves,  
Conway, Davis of Wood, Rice.

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk House of Representatives.

**Senate Bill No. 329.**

The Chair laid before the Senate,  
on second reading,

S. B. No. 329, A bill to be entitled  
"An Act to exempt nominations by  
political parties of candidates for ju-  
dicial offices above the grade of  
county judge from the requirements  
and operation of the primary election  
laws."

The bill was read and laid on the  
table, subject to call.

**Senate Bill No. 354.**

Senator Pollard called from the  
table, and the Chair laid before the  
Senate, on second reading,

S. B. No. 354, A bill to be entitled  
"An Act providing that the Attorney  
General shall bring suit for the re-  
covery of public land held adversely  
to the State and purchasers under  
the State; fixing the venue; provid-  
ing claimants may in certain cases  
file affidavit and bond for the re-  
covery of said lands, and declaring  
an emergency."

The bill was read second time and  
failed to pass to engrossment.

**Senate Bill No. 464.**

The Chair laid before the Senate,  
on second reading,

S. B. No. 464, A bill to be entitled  
"An Act to amend S. B. No. 183,  
passed as an Act of the Thirty-ninth  
Legislature at its Regular Session,  
the same being an Act making ap-  
propriations for the support and  
maintenance of the State Govern-  
ment for the two-year period begin-  
ning September 1, 1925, and ending  
August 31, 1927, so as to reitemize

the appropriations made for the Ex-  
ecutive Department, and declaring  
an emergency."

The committee report, providing  
that the bill be not printed, was  
adopted.

The bill was read second time and  
passed to engrossment.

On motion of Senator Russek, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 464 put on  
its third reading and final passage,  
by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

S. B. No. 464 was laid before the  
Senate, read third time, and passed  
finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Cooke.	Witt.
Moore of Hunt.	Wood.
Murphy.	Woodward.

Absent.

Parnell.

**House Bill No. 246.**

Senator Holbrook made the fol-  
lowing move: I move that H. B. No.  
246 be recalled from the House for  
the purpose of getting a record vote.  
The motion was adopted.

**Senate Bill No. 468.**

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 468 put on its second reading, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

The Senate rule requiring committee reports to lay over for one day was suspended.

The Chair laid before the Senate, on second reading,

S. B. No. 468, A bill to be entitled "An Act adding to and making a part of the Center Common School District No. 34 of Fisher County, Texas, certain lands and territory contiguous therein and described by metes and bounds herein; conferring upon the board of trustees of the said common school district the authority and jurisdiction over such lands and territory and the inhabitants thereof as are prescribed by the General Laws governing common school districts; repealing all laws and parts of laws, general and special, including Senate Bill No. 257 passed by the Thirty-ninth Legislature, in direct conflict herewith, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 468 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Davis.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.
Pollard.	

S. B. No. 468 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**House Bill No. 573.**

The Chair laid before the Senate, on second reading,

H. B. No. 573, A bill to be entitled "An Act to create the Nell Independent School District, situated in Live Oak County, Texas; providing for a board of seven trustees; defining the powers of said board of trustees; placing the district in all other matters under the provisions of the General Law, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 573 put on its third reading and final passage, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

(Lieutenant Governor Miller in the Chair.)

H. B. No. 573 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

## Senate Bill No. 463.

The Chair laid before the Senate, on second reading,

S. B. No. 463, A bill to be entitled "An Act amending Section 1, Chapter 34, Acts of the Regular Session, Thirty-fifth Legislature, creating the Lipscomb Independent School District in Lipscomb County; enlarging the boundaries thereof, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 463 put on its third reading and final passage, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

S. B. No. 463 was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

## House Bill No. 303.

Various Senators offered proposed amendments to H. B. No. 303 and asked that they be printed in the Journal.

Senator Wood moved that H. B. No. 303 be made a special order for tomorrow morning at 10 o'clock.

Senator Fairchild made the point of order that the bill was not before the Senate and could not be considered as a special order. The Chair overruled the point of order.

Senator Fairchild moved to table the motion to make the bill a special order. The motion was lost.

The motion to make the bill a special order for tomorrow morning following the conclusion of the morning call was adopted.

Following are the proposed amendments:



Amend H. B. No. 303 as printed in Senate Journal, page 1345, as follows:

In paragraph 6 strike out the word "all" in line 12 and substitute the word "any."

BOWERS.

Amend H. B. No. 303 as printed in the Senate Journal, page 1345, as follows:

In Section 5, strike out the words "so purchased."

BOWERS.

Amend H. B. No. 303 as printed in the Senate Journal, page 1345, as follows:

Strike out Section 2 and in lieu thereof insert the following:

"Section 2. The relocating commission shall establish a modern centralized prison plant and facilities within easy of a city having adequate railway and highway transportation facilities."

BOWERS.

Amend H. B. No. 303 as printed in Senate Journal, page 1345, as follows:

In paragraph 6, line 23, strike out the word "disclose" and insert in lieu thereof the following "dispose of any."

BOWERS.

Amend H. B. No. 303, as printed in Senate Journal, page 1345, as follows:

In line 8, counted from bottom of said page, strike out the words "purchase of new site for", and insert the following in lieu thereof: "establishment of".

BOWERS.

Amend H. B. No. 303, as printed in the Senate Journal, page 1346, as follows:

In Section 12, strike out the words "one million dollars", and insert in lieu thereof the words "one hundred thousand dollars".

BOWERS.

Amend H. B. No. 303, by striking out the words and figures "one million dollars (\$1,000,000.00) wherever they appear in the body of the bill, and "one half million dollars (\$500,000.00)" out of the amendment contained in the engrossed rider, and in lieu thereof insert the words: "three hundred thousand dollars (\$300,000.00)".

WOOD.

Amend H. B. No. 303, by striking out the words: "within seventy-five (75) miles of the city of Austin," wherever they appear in the bill, and in lieu thereof insert the following: "within the territory situated between 30 deg. and 32 deg. north latitude, and between 97 deg. and 99 deg. west longitude."

WOOD.

Amend H. B. No. 303, by striking out all of Section 2 of said bill after the word "facilities" and insert in lieu thereof the following:

"Which shall be located within easy reach of a city having adequate medical and hospital as well as adequate railway and highway transportation facilities."

LEWIS.

Amend H. B. No. 303, and the amendment thereto, by striking out all appropriation made in either thereof from the State Treasury of Texas.

LEWIS.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following concurrent resolution and bill:

H. C. R. No. 52, relating to the correction of H. B. No. 628.

The House returns H. B. No. 246 to the Senate for further consideration, and reports that the House by unanimous consent has reconsidered and finally passed the bill by a vote of 111 yeas and 2 nays.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 465.

The Chair laid before the Senate, on second reading,

S. B. No. 465, A bill to be entitled "An Act to make a supplementary appropriation out of the General Revenue of the State of Texas, not otherwise appropriated, for the support and maintenance of the State Ranger force, to be added to the appropriation as made by S. B. No. 183, passed by the Regular Session of the Thirty-ninth

Legislature, for the years beginning September 1, 1925, and ending August 31, 1927."

The Senate rule, requiring committee reports to lay over for one day, was adopted.

The committee report providing that the bill be not printed, was adopted.

The bill was read second time, and Senator Wood offered the following amendment, which was read and adopted, the amendments being the enacting clause.

After discussion, Senator Wirtz moved that the bill be laid on the table, subject to call, which motion was lost, by the following vote:

## Yeas—9.

Bailey.	Holbrook.
Davis.	Murphy.
Fairchild.	Parr.
Floyd.	Wirtz.
Hardin of Erath.	

## Nays—19.

Berkeley.	Russek.
Bledsoe.	Smith.
Hardin of Kaufman.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Parnell.	Ward.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

## Absent.

Bowers.	Moore of Cooke.
Moore of Hunt.	

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 465 put on its third reading and final passage.

The motion was lost by the following vote, a four-fifths vote being necessary:

## Yeas—18.

Berkeley.	Russek.
Hardin of Erath.	Smith.
Lewis.	Strong.
Miller.	Stuart.
Parnell.	Triplett.
Parr.	Ward.
Pollard.	Witt.
Real.	Wood.
Reid.	Woodward.

## Nays—8.

Bailey.	Holbrook.
Davis.	Moore of Cooke.
Fairchild.	Murphy.
Hardin of Kaufman.	Wirtz.

## Present—Not Voting.

Floyd.

## Absent.

Bledsoe.	Moore of Hunt.
Bowers.	Price.

## House Bill No. 246.

Senator Holbrook called up H. B. No. 246 and moved to rescind the vote by which the bill was finally passed.

The motion to rescind was adopted by unanimous consent.

Action recurred on the final passage of H. B. No. 246, and the bill was passed finally, by the following vote:

## Yeas—27.

Bailey.	Price.
Berkeley.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.
Pollard.	

## Nays—1.

Hardin of Kaufman.

## Absent.

Bledsoe.	Moore of Hunt.
Bowers.	

## H. C. R. No. 52.

The Chair laid before the Senate H. C. R. No. 52, relating to the correction of H. B. No. 628.

The resolution was read and adopted.

## Recess.

On motion of Senator Wood the Senate, at 12:25 o'clock p. m., recessed until 2 o'clock today.

## After Recess.

The Senate was called to order by Lieutenant Governor Miller.

**House Bill No. 633.**

The Chair laid before the Senate, on second reading,

H. B. No. 633, A bill to be entitled "An Act to amend Section 2 of Chapter 4 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session, in 1915, in so far as it applies to Atascosa County, by adding thereto Sections 2a and 2b, to permit the issuance of bonds by Atascosa County, for the purpose of funding or refunding indebtedness incurred for road and bridge purposes; providing for the distribution of the road and bridge fund of said county, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 633 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 633 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—31.

Bailey.	Miller.
Berkeley.	Moore of Hunt.
Bledsoe.	Moore of Cooke.
Bowers.	Murphy.
Davis.	Parnell.
Fairchild.	Parr.
Floyd.	Pollard.
Hardin of Erath.	Price.
Hardin of Kaufman.	Real.
Holbrook.	Reid.
Lewis.	Russek.

Smith.  
Strong.  
Stuart.  
Triplett.  
Ward.

Wirtz.  
Witt.  
Wood.  
Woodward.

**House Bill No. 608.**

The Chair laid before the Senate, on second reading,

H. B. No. 608, A bill to be entitled "An Act amending an Act of the Thirty-eighth Legislature, Chapter 92, page 335, said Act being a special road law for Nacogdoches County, so as to eliminate Section 11 of said Act and provide for three days' warning to road hands instead of fifteen days, and repealing all Special Laws relating to public roads of Nacogdoches County, as well as all General Laws in conflict with this Act, and to create by this Act a more efficient road system for Nacogdoches County, Texas; to provide for the appointment of hands and laying out of road precincts, specifying those subject to road duty and the number of days they shall work upon the public roads each year; to provide for relieving citizens of road duty by payment to the county treasurer of five dollars for each road year; to encourage donation to the public roads by citizens of said county, and providing for donations to be duplicated by the county treasurer out of the road and bridge fund of said county; providing for appointment of road overseers; making county commissioners of said county supervisors of the roads in their commissioners' precinct; prescribing their duties; prescribing the mode of warning those subject to road duty under the terms of this Act, and making it a misdemeanor to violate the provisions of this Act, and fixing a penalty therefor; and repealing all General and Special Laws in conflict herewith, and declaring an emergency."

The Senate rule requiring committee reports to lay over for one day was suspended.

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 608 put on its third reading and final passage, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 608 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

## House Bill No. 321.

The Chair laid before the Senate, on second reading,

H. B. No. 321, A bill to be entitled "An Act providing for the protection of rainbow trout in the fresh waters of Texas; providing for a two-year closed season, and a closed season during certain months thereafter; prescribing a legal size and a daily bag limit; prohibiting the sale and barter of rainbow trout; prescribing a penalty, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 321 put on its third reading and final passage, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 321 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—23.

Bailey.	Pollard.
Berkeley.	Price.
Davis.	Real.
Fairchild.	Russek.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

## Absent.

Bledsoe.	Parr.
Bowers.	Reid.
Floyd.	Smith.
Hardin of Erath.	Ward.
Miller.	

## Senate Bill No. 373.

The Chair laid before the Senate, on second reading,

S. B. No. 373, A bill to be entitled "An Act amending and providing for the redemption, by the owner, of land or land lots heretofore sold, or that may be sold, to the State, city or town for taxes, and repealing all laws in conflict therewith, and declaring an emergency, passed at the Fourth Called Session of the Thirty-fifth Legislature, being Chapter 69, House Bill No. 166, approved April 2, 1913, by providing a right of redemption in sales of real property for taxes."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 373 put on its third reading and final passage, by the following vote:

## Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Davis.	Real.
Fairchild.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

## Absent.

Bledsoe.	Miller.
Bowers.	Reid.
Floyd.	Ward.
Hardin of Erath.	

S. B. No. 373 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—23.

Bailey.	Price.
Berkeley.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Pollard.	

## Absent.

Bledsoe.	Miller.
Bowers.	Parr.
Floyd.	Real.
Hardin of Erath.	Ward.

## Senate Bill No. 355.

The Chair laid before the Senate, on second reading,

H. B. No. 355, A bill to be entitled "An Act authorizing the commissioners' court of any county in this State to have old probate records or papers recorded by the county clerk when in the opinion of the commissioners' court such recording is necessary; authorizing the commissioners' court to compensate the county clerk for such work out of the general fund of

the county, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to the third reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 355 put on its third reading and final passage, by the following vote:

## Yeas—24.

Bailey.	Real.
Berkeley.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Parnell.	Witt.
Pollard.	Wood.
Price.	Woodward.

## Absent.

Bledsoe.	Miller.
Bowers.	Moore of Hunt.
Floyd.	Parr.
Hardin of Erath.	

H. B. No. 355 was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—27.

Bailey.	Price.
Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Pollard.	

## Absent.

Bledsoe.	Miller.
Floyd.	Parr.

## Senate Bill No. 312.

The Chair laid before the Senate, on second reading,

S. B. No. 312, A bill to be entitled "An Act amending Section 9 of Chapter 87 of the General Laws of the

State of Texas passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature, amended by Chapter 11, Second Called Session of the Thirty-eighth Legislature, by limiting the issuance of notes to four per cent of the proposed cost of improvements to be made in creating water improvement districts; and amending Section 80 of Chapter 87 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, by omitting the provision in the last part of said section which provides for the change in boundary lines in irrigation districts; and amending Section 118a, Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, added in Chapter 28, First Called Session of the Thirty-sixth Legislature, referring to the inclusion of towns and municipal corporations in water improvement districts, and declaring an emergency."

Senator Woodward offered the following amendment, which was read and adopted:

Amend S. B. No. 312, line 12, page 6, by adding, after the word "district", the following: "For the issuance of notes," "Against the issuance of notes."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 312 put on its third reading and final passage, by the following voted:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent.

Miller.

S. B. No. 312 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Davis.	Real.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Absent.

Bledsoe.	Parr.
Bowers.	Reid.

House Bill No. 638.

The Chair laid before the Senate, on second reading,

H. B. No. 638, A bill to be entitled "An Act amending the special road law of Titus County, Texas."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Price, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 638 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 638 was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

## Senate Bill No. 363.

The Chair laid before the Senate, on second reading,

S. B. No. 363, A bill to be entitled "An Act to authorized owners of oil and gas permits and leases heretofore issued or hereafter issued on fresh water lakes to sell and transfer same as a whole or in tracts of not less than forty acres, and to authorize owners of oil and gas permits and leases heretofore issued or hereafter issued on river beds to sell and transfer same as a whole or in tracts of not less than two thousand six hundred forty linear feet following the meandering of such river; providing for recording transfers, filing same in the General Land Office; subdividing permits and leases upon payment of certain fees; providing for dissolution of combined permits and leases; appropriating fees to general revenue and public free school fund; providing for assignee to assume obligations of the original permittee or lessee on the area assigned, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 363 put on its third reading and final passage, by the following vote:

## Yeas—29.

Bailey.	Davis.
Berkeley.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Hardin of Erath.

Hardin of Kaufman.	Russek.
Holbrook.	Smith.
Lewis.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Murphy.	Ward.
Parnell.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

## Absent.

Moore of Cooke. Parr.

S. B. No. 363 was laid before the Senate, read third time, and passed.

## Message from the House.

Hall of the House of Representatives, Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the following requests:

The House grants the request for a Free Conference Committee on S. B. No. 174. The Speaker appoints the following on the part of the House: Wade, Petsch, Farrar, Williamson, Frnka.

The House grants the request for a Free Conference Committee on S. B. No. 35. The Speaker appoints the following on the part of the House: Faulk, Woodruff, Wade, Smith of Nueces, Barron.

S. C. R. No. 37, relating to the recalling of S. B. No. 409.

H. B. No. 683, creating the Beeville Independent School District.

H. B. No. 273, A bill to be entitled "An Act to provide pay for county judges for presiding over commissioners' court in counties having less than thirty-seven thousand inhabitant; providing that such judges shall not receive pay for more than one special term in each month; providing how such fees shall be in addition to and exclusive of all other fees and compensation paid county judges in such counties; providing that such fees shall not be considered in estimating the maximum fees received by county judges in such counties; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act to create the Whiteland Common School District in McCulloch County, Texas, including therein the present Whiteland Common

School District in McCulloch County."

H. B. No. 658, A bill to be entitled "An Act providing for better and more efficient road construction and maintenance in DeWitt County, Texas, being a local and special road law for said county; providing penalties for the violation of any of the provisions of this Act, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,

Hall of the House of Representatives,

#### Senate Bill No. 349.

The Chair laid before the Senate, on second reading,

S. B. No. 349, A bill to be entitled "An Act relating to the appropriation and use of water and providing that such water may, in addition to other uses, be appropriated and used for purposes of public parks, game preserves, recreation and pleasure resorts, power and water supply for industrial purposes and domestic use; amending Section 16, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing for the filing of presentations relating to investigation of the use of water and the terms and conditions thereof, that priority of right dates from the filing of same, that such rights shall extend for a period of six months and may be extended by order of the Board of Water Engineers not to exceed a total period of three years and the requisites, conditions and operations of same; providing that the fees paid upon the filing of a presentation may be held for the term thereof or during the period of any extension thereof and be handled according to law, and that all rights under a presentation shall cease at the end or the term thereof unless a permit is issued in pursuance thereof; amending Section 41, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing the fees to be paid to the State Board of Water Engineers for the use of and benefit of the State in matters pertaining to the conduct of said office, the granting permits, extensions of time, and detailed operation of such office, and the maximum fee to be paid for the appropriation and use of water in accordance with the law; providing that any one may construct on his own property a dam or reservoir to contain not to exceed fifty acre-feet of

water without securing a permit therefor; providing that any one who shall fail to file annual reports provided by Section 100, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, shall be liable to a penalty therefor not to exceed a maximum of \$150.00; repealing all laws in conflict herewith, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 349 put on its third reading and final passage, by the following vote:

#### Yeas—23.

Berkeley.	Pollard.
Davis.	Price.
Fairchild.	Real.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Parnell.	Wood.
Parr.	

#### Absent.

Bailey.	Murphy.
Bledsoe.	Reid.
Bowers.	Witt.
Moore of Cooke.	Woodward.

S. B. No. 349 was laid before the Senate, read third time and passed finally.

#### House Bill No. 76—Conference Committee Report on.

By Senator Wood:

Committee Room,

Austin, Texas, March 14, 1925.

Hon. Barry Miller, President of the Senate; Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on

H. B. No. 76, A bill to be entitled "An Act relative to fur-bearing animals; regulating, licensing and controlling the taking, trapping, killing and handling such animals and the buying, selling, trading in, dealing



in, or handling of the pelts or furs of such animals; enacting the provisions, offenses, penalties, regulations and requirements necessary and incident to such subject and purpose; regulating the taking of certain fur-bearing animals or their pelts for barter or sale, declaring them to be the property of the people of the State; defining trapper, prescribing resident, non-resident, and alien trappers' licenses; defining fur dealer, prescribing fur dealer's license and designating dealer's duties; defining resident, non-resident and alien; providing form of trapper's and dealer's licenses, their distribution; providing for certain exemptions; regulating the season; providing for disposition of funds; designating certain illegal acts; defining inclosed lands; defining posted land; prescribing penalty for violation; providing for enforcement, and declaring an emergency."

Have had the same under consideration, and beg leave to report back to the two Houses that we have adjusted the differences between the House and the Senate and recommend the passage of the following substitute bill:

#### A BILL

#### To Be Entitled

An Act relative to fur-bearing animals; regulating, licensing and controlling the taking, trapping, killing and handling such animals; enacting the provisions, offenses, penalties, regulations and requirements and incident to such subject and purpose; regulating the taking of certain fur-bearing animals or their pelts for barter or sale, declaring them to be the property of the people of the State; defining trapper, defining resident, non-resident and alien; providing form of trapper's licenses, their distribution; providing for certain exemptions; regulating the season; closing season on certain animals; providing for disposition of funds; designating certain illegal acts; defining inclosed lands; defining posted land; prescribing penalty for violation; providing for enforcement, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All the fur-bearing animals of this State are hereby declared to be the property of the people of this State. For the purposes

of this Act, wild beaver, wild otter, wild mink, wild ring-tail cat, wild badger, wild polecat or skunk, wild raccoon, wild muskrat, wild opossum, wild fox and wild civet cat are hereby declared to be fur-bearing animals.

Sec. 2. The term trapper as used under the provision of this Act is any person who traps, kills or takes any of the animals or pelts thereof, herein mentioned, for the purpose of sale or barter.

Sec. 3. All residents, non-residents, and alien trappers desiring to trap, kill or take any of the wild fur-bearing animals or the pelts thereof mentioned in Section 1, of this Act, for sale or barter, shall procure a license to do so, as hereinafter provided, and any person who fails to procure such license as herein provided for, shall be deemed guilty of a misdemeanor, which license shall expire February 15 after date of issuance and shall entitle the holder to trap or take any of the fur-bearing animals or the pelts thereof, mentioned in Section 1 of this Act, for sale or barter, during the season when it is lawful to do so; which license shall state the residence, age, height, weight, color of hair and color of eyes of the licensee. The fee for each resident license shall be one dollar (\$1.00), ten cents of which shall be retained by the officer issuing and reporting the same as his commission. The fee for a non-resident or an alien license shall be fifty dollars (\$50.00) for each county in which said alien or non-resident shall take, kill or trap such animals, five dollars of which shall be retained by the officer issuing and reporting the same, as his commission.

Sec. 4. For the purpose of this Act a resident trapper of this State is any person who has been a bona fide resident of this State for a period of time exceeding twelve months continuously and immediately before applying for a trapper's license. A non-resident is any person who is a citizen of any other State of the United States of America or who has not continuously and immediately preceding the time of applying for a trapper's license been a bona fide resident of the State of Texas for a period of twelve months. An alien is any person who is not a natural born American citizen or who has not received the final nat-

uralization papers of United States citizenship.

Sec. 5. The Game, Fish and Oyster Commissioner shall cause to be printed blank trapper's license which shall contain the requirements as provided for in Section 3 of this Act, and shall distribute the same to his deputies and to various county clerks of the State of Texas, taking their receipts therefor by numbers and quantity, and it is hereby declared to be the duty of the Game, Fish and Oyster Commissioner, his deputies and the county clerks of this State to issue licenses as provided in this Act, and to make reports and remittances therefor, which reports and remittances shall be made during the first week of the month, succeeding such sale.

Sec. 6. Owners and tenants and their children who are residents, as defined in this Act, shall have the right to kill or take from their premises any of the fur-bearing animals or pelts thereof for sale or barter during the time when it is lawful to do so, without procuring a trapper's license.

Sec. 7. The term tenant as herein used shall mean any person who has resided on the land they occupy for a period in excess of twelve months continuously and who shall have the same rented or leased for agricultural purposes.

Sec. 8. It shall be unlawful for any person to kill, take or have in his possession for barter or sale within a period of ten years of the passage of this Act, any wild beaver, wild otter, or wild fox or the pelts thereof.

Sec. 9. It shall be unlawful for any person to kill, or take for sale or barter any of the wild fur-bearing animals, muskrats excepted, or other pelts permitted to be killed or taken by this Act, for sale or barter, between the fifteenth day of February and the thirtieth day of November, of any year, both days included, in the closed season. The prohibited or closed season on muskrats shall be from March 15 to November 15.

Sec. 10. All moneys collected from the fines and penalties for the violation of this Act, and all moneys collected from the sale of trappers' licenses shall belong to the Special Game Fund of this State, and shall be paid over by the Game, Fish and Oyster Commissioner to the Treasurer of the State during the first week of each month, and shall be

credited to such Special Game Fund for the enforcement of this Act and the game laws in general, provided county attorneys shall receive ten per centum and officers making collection five per centum of any fines or fine assessed for violations of this Act.

Sec. 11. It shall be unlawful for any person to trap, or set any trap or deadfall on the inclosed lands of another without the consent or permission of the owner of said land.

Sec. 12. It shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed lands of another, or be in possession of a muskrat or the hide of such animal, without the consent of the owner or lessee of such lands to trap thereon, provided that such person may, in relief against this provision, show a rightful, legal possession of such muskrats or the hides of such animals.

Sec. 13. It shall be unlawful for any person to destroy the beds, nests or breeding places of any muskrat or muskrats, or to take or kill any of such animals except by trapping; provided, however, that any person shall have the right to kill such animal upon his own premises at any time by any means.

Sec. 14. It shall be unlawful for any person to purchase the hide or furs of muskrats on the land of another, taken or trapped on the land of another, from any person other than the owner of such land or the duly authorized agent of such owner.

Sec. 15. By inclosed land is meant any land inclosed by a fence or fences, or by water, or partly by fence and partly by water, or by any barrier, natural or artificial, that is used by owners as methods or means of inclosure.

Sec. 16. Posted land within the meaning of this Act shall have signs at the gate or gates and at any streams entering said inclosure reading "Posted" in a conspicuous place, shall be deemed posted within the meaning of this Act.

Sec. 17. Any person required to procure a license under this Act and who fails to carry said license on his person when trapping, killing, or taking any of the fur-bearing animals or the pelts thereof for sale or barter, or who fails or refuses to exhibit the same to any officer authorized to enforce the laws of this State or who uses the license of

another or permits another to use his license shall be deemed guilty of a misdemeanor.

Sec. 18. It shall be unlawful for any person required by this Act to procure a trapper's license to kill or take any of the fur-bearing animals or the pelts thereof mentioned in this Act, for the purpose of sale or barter, without having procured a license to do so, as required by Section 3 of this Act.

Sec. 19. It shall be the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this Act.

Sec. 20. Every person violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not less than ten dollars, nor more than one hundred dollars.

Sec. 21. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed.

Sec. 22. If any section of this bill shall be held unconstitutional, it shall not affect any other section of this bill, and all sections save the one that may be declared unconstitutional shall continue to be in full force and effect.

Sec. 23. The fact that there is now no adequate law relating to fur-bearing animals creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

FINLEY,  
SANFORD,  
BAKER of Orange,  
McFARLANE,  
STOREY,

On the part of the House.

HOLBROCK,  
MOORE of Hunt,  
MURPHY,  
WOOD,  
TRIPLETT,

On the part of the Senate.

The report was read and adopted, by the following vote:

Yeas—27.

Berkeley.	Miller.
Davis.	Moore of Hunt.
Fairchild.	Moore of Cooke.
Floyd.	Murphy.
Hardin of Erath.	Parnell.
Hardin of Kaufman.	Parr.
Holbrook.	Pollard.
Lewis.	Price.

Real.  
Russek.  
Smith.  
Strong.  
Stuart.  
Triplett.

Ward.  
Wirtz.  
Witt.  
Wood.  
Woodward.

Absent.

Bledsoe.  
Bowers.

Reid.

Absent—Excused.

Bailey.

#### House Bill No. 600.

The Chair laid before the Senate, on second reading,

H. B. No. 600, A bill to be entitled "An Act to amend Article 3903 of the Revised Civil Statutes of the State of Texas, for 1911, as amended by the Thirty-third Legislature at its Regular Session, Chapter 121 and Chapter 142 of the General Laws, as amended by Chapter 55 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and as amended by Chapter 32 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 96 of the General Laws of the Regular Session of the Thirty-seventh Legislature, authorizing county attorneys and district attorneys in counties having a population in excess of one hundred thousand inhabitants, where there is also a district attorney, to appoint deputies, or assistants, by adding Section 3903a providing that counties composing one judicial district and the population being between thirty-seven thousand and five hundred and one hundred thousand, and the county attorney performs the duties of county attorney and district attorney."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### Senate Bill No. 470.

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 470 put on its second reading, by the following vote:

## Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.

## Present—Not Voting.

Parnell.

The Senate rule, requiring committee reports to lay over for one day, was suspended.

The Chair laid before the Senate, on second reading,

S. B. No. 470, A bill to be entitled "An Act providing for the sale to the United States of twenty-two acres of land owned by the State of Texas located near El Paso and known as the abandoned site of the school of Mines and Metallurgy; regulating the manner, terms and price of the sale; authorizing and empowering the Governor to make the sale; providing for the payment of the purchase money into the State Treasury for the benefit of the permanent fund of the University; directing the issuance and delivery of patent by the Commissioner of the General Land Office, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 470 put on its third reading and final passage, by the following vote:

## Yeas—30.

Bailey.	Miller.
Berkeley.	Moore of Hunt.
Bledsoe.	Moore of Cooke.
Bowers.	Murphy.
Davis.	Parr.
Fairchild.	Pollard.
Floyd.	Price.
Hardin of Erath.	Real.
Hardin of Kaufman	Reid.
Holbrook.	Russek.
Lewis.	Smith.

Strong.  
Stuart.  
Triplett.  
Ward.

Wirtz.  
Witt.  
Wood.  
Woodward.

## Present—Not Voting.

Parnell.

S. B. No. 470 was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—24.

Berkeley.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Murphy.	Wood.
Parr.	Woodward.

## Absent.

Bailey.	Parnell.
Bledsoe.	Pollard.
Bowers.	Witt.
Moore of Cooke.	

## House Bill No. 593.

The Chair laid before the Senate, on second reading,

H. B. No. 593, A bill to be entitled "An Act to amend Section 2, Chapter 40, Local and Special Laws, enacted by the Regular Session of the Thirty-fourth Legislature in 1915, same being an amendment to San Saba County special road law, by adding thereto Section 2a to permit the issuance of bonds by San Saba County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read third time and passed to a third reading.

## House Bill No. 590.

The Chair laid before the Senate, on second reading,

H. B. No. 590, A bill to be entitled "An Act creating Snyder Independent School District in Scurry County, Texas."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 588.**

The Chair laid before the Senate, on second reading,

H. B. No. 588, A bill to be entitled "An Act to amend Section 1 of Chapter 3, Special Laws of the Thirty-eighth Legislature, Third Called Session, the same being entitled 'An Act to create Roscoe Independent School District in Nolan County, Texas.'"

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 578.**

The Chair laid before the Senate, on second reading,

H. B. No. 578, A bill to be entitled "An Act creating Voglsang Common School District No. 86 in Milam County, Texas."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 580.**

The Chair laid before the Senate, on second reading,

H. B. No. 580, A bill to be entitled "An Act to amend Section 2, Chapter 81 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its regular session in 1915, same being a special road law for Young County, by adding thereto Section 2a to permit the issuance of bonds by Young County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**House Bill No. 219.**

The Chair laid before the Senate, on second reading,

H. B. No. 219, A bill to be entitled "An Act to amend an Act passed at the Regular Session of the Thirty-eighth Legislature, being Chapter 171 of the General Laws, passed by the Thirty-eighth Legislature and being 'An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabit-

ants, the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employes and providing for their payment, and repealing all laws in conflict herewith with exception, and declaring an emergency,' by providing that one of the seven assistant district attorneys authorized by the Act to be appointed shall receive a salary not to exceed four thousand eight hundred dollars per annum, instead of a salary not to exceed three thousand six hundred dollars per annum, as provided in the Act amended, and two other of said assistants at salaries not to exceed three thousand six hundred dollars per annum each, instead of a salary not to exceed three thousand dollars per annum each, as is provided in the Act amended, all payable monthly by said counties, by warrant drawn from the general funds thereof, and declaring an emergency."

(Senator Reid in the Chair.)

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and the committee report, with amendments, was adopted, and Senator Wirtz offered the following amendments, severally, which were read and adopted:

1. Amend the committee amendment to H. B. No. 219, by adding after the word "district attorney", where it first appears in the amendment, the following:

"In counties having a population in excess of 150,000 inhabitants and having no county attorney."

2. Amend the caption to H. B. No. 219, by adding after the words "by providing that", line 10 of the caption, the following:

"In counties having a population in excess of 150,000 inhabitants and having no county attorney."

3. Amend H. B. No. 219, by adding after the words "district attorney", in line 1, of Section 2, the following:

"In counties having a population in excess of 150,000 inhabitants and having no county attorney."

The bill was read second time and passed to a third reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 219 put on its third reading and final passage, by the following vote:

## Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Murphy.	Woodward.

## Absent.

Bledsoe.	Witt.
Real.	

H. B. No. 219 was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—29.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.
Murphy.	

## Absent.

Real.	Witt.
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## Senate Bill No. 458.

The Chair laid before the Senate, on second reading,

S. B. No. 458, A bill to be entitled "An Act authorizing the Governor of Texas to make sale and execute a deed, disposing of the south half of Block 59, situated on East Fifth Street in the city of Austin, Travis County, Texas, at such price and on such terms as may meet the approval of the Governor, Commissioner of the General Land Office and Attorney General, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 458 put on its third reading and final passage, by the following vote:

## Yeas—26.

Bailey.	Parnell.
Berkeley.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Murphy.	Woodward.

## Absent.

Bledsoe.	Pollard.
Bowers.	Witt.
Parr.	

S. B. No. 458 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—23.

Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Fairchild.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Lewis.	Stuart.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Parr.	

## Absent.

Bailey.	Murphy.
Bowers.	Pollard.
Floyd.	Triplett.
Holbrook.	Witt.

## Message from the House.

Hall of the House of Representatives,  
Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 406, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the general revenue of the State for the several institutions and departments of the State Government as named herein for the balance of the fiscal year ending August 31, 1925, and declaring an emergency."

With amendements.

H. B. No. 393, A bill to be entitled "An Act to amend Article 1120 of Title 15, of Chapter 1 of the Code of Criminal Procedure of 1911, as amended by Chapter 127 of the Acts of the Regular Session of the Thirty-fourth Legislature and by Chapter 70 of the Acts of the Regular Session of the Thirty-sixth Legislature, so as to provide that the maximum number of days for which a district attorney may receive pay shall not exceed 230 in any one year in all judiciary districts of this State, composed of two counties or more, and declaring an emergency."

H. B. No. 673, A bill to be entitled "An Act relating to the Bexar Independent School District."

The House has adopted the report of the Free Conference Committee on S. B. No. 189, by a vote of 103 yeas, and 8 nays.

H. B. No. 192, A bill to be entitled "An Act to amend Article 1521, Revised Civil Statutes of the State of Texas, regulating the jurisdiction of the Supreme Court, by striking out Subdivision number six (6) of said article as it now exists, and in all other respects by specifically naming the cases in which the Supreme Court is given jurisdiction to grant writs of error, and declaring an emergency."

H. B. No. 646, A bill to be entitled "An Act to amend Section 1 of Chapter 9, Special Laws of the Thirty-sixth Legislature, Third Called Session, the same being entitled 'An Act extending the boundaries of and adding territory to the Lamesa Independent School District in Dawson County.'"

H. B. No. 654, A bill to be entitled "An Act to amend Section Four (4) of the Thirty-fifth Legislature of Texas, passed at the Regular Session thereof (as found on pages 174 and 175 of the Local and Special Laws and approved March 6, 1917), being 'An Act to amend the charter of the City of Gainesville, by creating a board of water commissioners for said city, to be appointed by said city council and prescribing the powers and duties of such board, relating to the control and disposition of funds derived from the sale of water, and repealing all laws in conflict herewith, and declaring an emergency.'"

H. B. No. 656, A bill to be entitled "An Act to create the Bodenhammer Common School District in McCulloch County, Texas, including therein

the present Bodenhammer Common School District No. 40, in McCulloch County."

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk House of Representatives.

#### House Bill No. 563.

The Chair laid before the Senate, on second reading.

H. B. No. 563, A bill to be entitled "An Act creating and incorporating the Runningwater Independent School District of Hale County, Texas, for free school purposes only; defining its boundaries; vesting it with all the rights, powers, duties and privileges of independent school districts under the General Laws of Texas pertaining thereto; providing a board of trustees, raising bonds and maintaining public free schools therein; vesting all lands, buildings and all other property now owned and held for free school purposes by Runningwater Common School District in the Runningwater Independent School District, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 561.

The Chair laid before the Senate, on second reading.

H. B. No. 561, A bill to be entitled "An Act creating the Halfway Independent School District, situated in Hale County, Texas; defining its metes and bounds; vesting it with rights, powers, duties and privileges of independent districts incorporated for school purposes only under the General Laws; providing for a board of five (5) trustees therefor; providing a board of equalization, and prescribing the duties and authority of said board, and of said trustees; declaring valid a maintenance; declaring valid all debts owing to and by said district, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 558.

The Chair laid before the Senate, on second reading.

H. B. No. 558, A bill to be entitled "An Act creating and incorporating

the Edna Independent School District in Jackson County, Texas."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 555.

The Chair laid before the Senate, on second reading,

H. B. No. 555, A bill to be entitled "An Act to increase and fix the salary of the Superintendent of Public Instruction of Harris County, Texas; providing for office and travelling expenses, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 549.

The Chair laid before the Senate, on second reading,

H. B. No. 549, A bill to be entitled "An Act exempting Travis County for a period of two years from the provisions of Chapter 12, Section 3, Acts of 1917, Third Called Session, as amended by Chapter 87, Section 3, Acts of 1918, Fourth Called Session, and Chapter 172, Regular Session of the Thirty-eighth Legislature, and providing for an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 544.

The Chair laid before the Senate, on second reading,

H. B. No. 544, A bill to be entitled "An Act to create the Ackery Independent School District in Dawson, Borden, Howard and Martin Counties, Texas."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 503.

The Chair laid before the Senate, on second reading,

H. B. No. 503, A bill to be entitled "An Act to exempt the county of Howard from the provisions and op-

erations of Articles 7256 to 7304, inclusive, of Chapter 7, Title 124 of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals; repealing all laws in conflict herewith, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 473.

The Chair laid before the Senate, on second reading,

H. B. No. 473, A bill to be entitled "An Act to amend an Act of the Second Called Session of the Thirty-eighth Legislature, Chapter 29, entitled 'Enlarging the Megargel Independent School District; an Act defining the boundaries of the Megargel County Line Independent School District; providing for the transportation of pupils; for assessing and collecting taxes; authorizing the trustees to sue for the collection of delinquent taxes; providing that said district assume payment of that pro rata part of indebtedness due by the district on account of territory out of said district by this Act; providing that any part of this Act being declared invalid shall not affect other parts; giving the trustees the right to increase the area of said district,' and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### Senate Bill No. 3—Conference Committee Report on.

By Senator Wood:

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate; Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We, your second Conference Committee, appointed to adjust the differences between the House and Senate on

S. B. No. 3, A bill to be entitled "An Act declaring all wild animals, wild birds and wild fowl to be the property of the people of this State; to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild



birds of this State; defining offenses, and prescribing penalties for the violations thereof, providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

Beg leave to report back to the two Houses that we have had the same under consideration and have adjusted the differences between the Senate and the House. We wish to recommend the passage of the substitute bill recommended by the first conference committee with the following amendments thereto:

1. Amend Section 18 of the first conference committee report by inserting after the words "wild animals" in line 2 of said section, a comma, and add the following—protected under the provisions of this Act,—

2. Amend the first conference committee report by striking out all of paragraph 3 of Section 20 and insert in lieu thereof the following:

"The Game, Fish and Oyster Commissioner, or any of his deputies shall have the right to search the game bag or any other receptacle of any kind whenever such Game, Fish and Oyster Commissioner or his deputy has reason to suspect that such game bag, or other receptacle or any buggy, wagon, automobile, or other vehicle may contain game unlawfully killed or taken, and any person who refuses to permit the searching of the same, or who refuses to stop such vehicle when requested to do so by the Game, Fish and Oyster Commissioner, or his deputy, shall be fined not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars."

3. Amend the first conference committee report by striking out the word "and" in the last line of Section 25 and by inserting at the end of said line the following—Liberty and Hardin.

4. Amend the first conference committee report by striking out all paragraph 1 of Section 29 down to and including the word "hunt" in line 7 of said paragraph and insert in lieu thereof the following:

"No citizen of this State shall hunt outside of the county of his residence with a gun without first having procured from the Game, Fish and Oyster Commissioner, or one of his deputies, or from any county clerk in this State, a license to hunt, and for which he shall pay either of such officers the sum of two (\$2.00) dollars; fifteen cents of which amount shall be retained by said officer as his fee for collecting."

4. Amend the first conference committee report by striking out of paragraph 2 of Section 29 the first ten lines of said paragraph; and by striking out of paragraph 3 of said Section 29 the following language—"or any person hunting with a gun in the State within the county of his residence without a hunting license"—;and by striking out all of paragraph 4 of said Section.

6. Amend the first conference committee report by striking out of line 2 of paragraph 2 of Section 46 the word "or" and insert in lieu thereof the word "and."

Respectfully submitted,

RUNGE,  
LAIRD,  
SINKS,  
FINLAY,  
WESTBROOK,

On the part of the House.

WOOD,  
WIRTZ,  
MURPHY,  
MOORE of Hunt,  
BLEDSON,

On the part of the Senate.

The above report was read and adopted.

#### House Bill No. 8—Conference Committee Report on.

By Senator Wood:

Committee Room,

Austin, Texas, March 14, 1925.

Hon. Barry Miller, President of the Senate; Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We your Conference Committee, to whom was referred

H. B. No. 8, A bill to be entitled "An Act amending Articles 3, 4, 7, 10, 13, 16, 35, 38, 41, 48, 55, 60, 61, 64 and 65, Chapter 73 of the General Laws of the First Called Session of the Thirty-sixth Legislature; and Articles 39 and 53, as amended by Chapter 139, General Laws of the Regular Session of the

Thirty-eighth Legislature; changing certain penalties therein; making necessary changes and regulations; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report that we have adjusted the differences between the House and the Senate on said bill and recommend the passage of the following substitute bill:

#### A BILL

#### To Be Entitled

An Act amending Articles 3, 4, 7, 10, 13, 16, 35, 38, 41, 48, 55, 60, 61, 64 and 65, Chapter 73 of the General Laws of the First Called Session of the Thirty-sixth Legislature; Article 67, as amended by Chapter 44, General Laws of the Third Called Session of the Thirty-sixth Legislature; and Articles 39 and 53, as amended by Chapter 139, General Laws of the Regular Session of the Thirty-eighth Legislature; changing certain penalties therein; making necessary changes and regulations; closing certain coastal waters for seining; making it unlawful to buy, sell, possess or transport certain fresh water fish; regulating the placing of nets in the coastal waters of the State; providing for the marking of closed waters; regulating the size of fish to be taken; providing for the Fish and Oyster Fund and appropriating same; prescribing penalties; repealing all laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 3, 4, 7, 10, 13, 16, 35, 38, 41, 48, 55, 60, 61, 64 and 65, Chapter 73 of the General Laws of the First Called Session of the Thirty-sixth Legislature; Article 67, as amended by Chapter 44, General Laws of the Third Called Session of the Thirty-sixth Legislature, and Articles 39 and 53, as amended by Chapter 139, General Laws of the Regular Session of the Thirty-eighth Legislature, be amended so as to hereafter read, respectively, as follows:

Article 3. The Game, Fish and Oyster Commissioner shall have his office in the State Capitol in the City of Austin, Texas, during his term of office, which shall be two years, the first term to begin September 1, after this Act goes into effect.

Art. 4. The Game, Fish and Oyster Commissioner shall file with the Secretary of State a good and sufficient bond, to be approved by that official, in the sum of ten thousand (\$10,000.00) dollars, with a surety company, conditioned that he will faithfully perform the duties of his office, the premium on such bond to be paid from any available funds appropriated to the use of the Game, Fish and Oyster Commission. He shall take the oath prescribed for sheriffs, and when he shall file said bond and take said oath, he shall enter on the duties of his office. Said bond shall not be void on the first recovery, but may be sued on from time to time in the name of the State or any person injured, until the whole amount has been recovered.

Art. 7. All fish and other aquatic animal life contained in the fresh water rivers, creeks and streams and in lakes or sloughs subject to the overflow from rivers or other streams within the borders of this State are hereby declared to be the property of the people of this State. All of the public rivers, bayous, lagoons, creeks, lakes, bays and inlets in this State, and all that part of the Gulf of Mexico within the jurisdiction of this State, together with their beds and bottoms, and all of the products thereof, shall continue and remain the property of the State of Texas, except insofar as the State shall permit the use of said waters and bottoms, or permit the taking of the products of such bottoms and waters, and in so far as this use shall relate to or affect the taking and conservation of fish, oysters, shrimp, crabs, clams, turtle, terrapin, mussels, lobsters, and all other kinds and forms of marine life, or relate to sand, gravel, marl, mud-shell and all other kinds of shell, the Game, Fish and Oyster Commissioner shall have jurisdiction over and control of, in accordance with and by the authority vested in him by the laws of this State.

Art. 10. There shall be and is hereby levied a tax of not less than one-fifth of one cent per pound of all fish, crabs and shrimp, whether from private or public waters, taken and sold or offered for sale in this State, and not less than two cents a barrel on all oysters, sold or offered for sale in this State whether from private or public beds, and offered for sale or shipment, and not less than

one-half a cent per pound on all turtles, and not less than twenty-five cents on each terrapin offered for sale and shipment. Such tax shall be paid under such rules and regulations as the Game, Fish and Oyster Commissioner shall prescribe. For all purposes mentioned in this title or section, a barrel of oysters shall be deemed and taken to consist of three boxes of oysters in the shell, said boxes to be of the following dimensions; ten inches wide by twenty inches long, and thirteen and one-half inches in depth. In filling such boxes for measurement, such oysters shall not be placed or deposited in such box in a way that will make them fill the box more than two and one-half inches in the center above the height of the box. Provided that two gallons of shucked oysters without their shells shall be considered and deemed by this Act as equal to one barrel of oysters in the shell. It is hereby specially provided that the title to the shells, from which oysters are taken shall remain in the State and the Game, Fish and Oyster Commissioner is directed to handle, control or sell same as he may see fit. Provided such oyster shells shall not be sold for a lower price than twenty-five cents the cubic yard. All moneys and royalties collected under and by the provisions of this Article shall be deposited by the Game, Fish and Oyster Commissioner to the credit of the Fish and Oyster Fund, hereinafter provided for.

Art. 13. Any person who shall not pay or who shall refuse to pay the tax imposed on the taking and sale of fish, oysters, turtle, terrapin and shrimp, as imposed in Article 10 of this Act, or who shall not pay or shall refuse to pay the taxes established and fixed by the Game, Fish and Oyster Commissioner in Article 10 of this Act shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum not less than fifty (\$50.00) dollars, nor more than one hundred (\$100.00) dollars, and if such person shall be a licensed fish dealer or fisherman or oysterman, his license as a fish dealer or fisherman shall be cancelled and not re-issued for a period not to exceed three years.

Art. 16. For the protection of the fish and oyster industry, any individual, firm or corporation engaged in, or who may engage in the business of a wholesale dealer in fish and oysters shall secure from the Game, Fish and

Oyster Commissioner, or one of his deputies, a license granting such individual, firm or corporation, permission to engage in said occupation for one year. For the purpose of obtaining this license, the applicant desiring same must make written application to the Game, Fish and Oyster Commissioner, or one of his deputies, in which he (the applicant) shall set forth under oath, if required, that he is a citizen of the United States by birth, or not being so, shall state that he has been granted, full naturalization papers, and by what court and at what time they were granted. Where a corporation applying for permit to conduct a wholesale business in fish, oysters, and other marine products as mentioned, contains foreigners, it shall conform to the foregoing provision as applied to individual applicants. He shall also agree that because of the privilege which he applied for from the State of Texas, that all products handled by him shall, at all times, be subject to the inspection of the Game, Fish and Oyster Commissioner, or any of his deputies; and in said application he shall authorize said commissioner or any of his deputies to enter his place of business, or any place where he may have such products stored, and inspect same. He shall also agree to keep a correct record of all fish, oysters, shrimp and other taxed marine life handled by him under this law, in a book to be furnished by the Game, Fish and Oyster Commissioner; and further, that failure on his part to keep a correct record shall be grounds for the forfeiture of his license granted him under the application aforesaid. This application, having been duly executed and delivered to the Game, Fish and Oyster Commissioner, or any of his deputies, together with a fee of ten (\$10.00) dollars for same, it shall be the duty of the Game, Fish and Oyster Commissioner, or his deputy to issue to the applicant a license to engage in the business set forth in the application. Said license must be signed by the Game, Fish and Oyster Commissioner, or one of his deputies, stamped with the seal of his office, and state the name of the licensee, place of business and the kind of license applied for, and shall be good for twelve months following the date of issuance. For such license, the applicant shall pay one (\$1.00) dollar for each one thousand pounds of fish, shrimp and crabs handled by him, and a tax of one cent per barrel on oysters

handled by him, which tax shall be paid monthly, the tax to be paid on the first of each month, which may be due upon said product handled during the preceding month, as shown by the record books, hereinbefore mentioned. And any person, firm, or corporation, or association of persons, or any officer, agent or employee of any company, corporation or association of persons who shall engage in the business of a wholesale dealer in fish and oysters or either, without procuring a license to follow said business, or without paying the tax and fee required by this article, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars; and each day such business may be engaged in violation of this article, shall constitute a separate offense, and upon conviction of pursuing said occupation without payment of the tax and fee required by law, or for any other violation of the Game, Fish and Oyster Law, the license of such dealer shall be forfeited. A wholesale dealer, in the meaning and definition of this Act, is any person, corporation or firm or partnership engaged in the business of buying and selling or handling for shipment, fish, oysters, shrimp, turtle, terrapin, crabs, clams, lobsters or other commercial marine life, in quantities of ten pounds or more to any customer during the same day, or whose daily sales, or whose sales for any one day, amount to more than the aggregate of one hundred pounds of above mentioned marine products.

Art. 35. The catching, taking or the attempt to catch or take any fish, green turtle or terrapin in any of the salt or fresh waters, lakes or streams in the State by poison, lime, dynamite, nitroglycerine, giant powder or other explosive, or by the use of drugs, substances, or things deleterious to fish life, is hereby prohibited; and any person offending against this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars, and by confinement in the county jail not less than thirty, nor more than ninety days.

Art. 38. It shall be unlawful for any person to fail, or refuse to scatter the culls of such oysters as he may take from the oyster reefs as directed by the Game, Fish and Oys-

ter Commissioner, and it is hereby declared to be unlawful for any person to open or shuck oysters for oysters for market near or on the reefs or beds from which such oysters were taken, or to open or shuck oysters for market on board any fishing vessel or barge, except when such vessel or barge be in some port or place where oysters are commonly sold. The shells from oysters opened or shucked on board any vessel or barge must be deposited on shore as directed by the Game, Fish and Oyster Commissioner. Anyone violating any of the provisions of this article shall be fined in a sum of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars; and on such conviction the Game, Fish and Oyster Commissioner, in his discretion, may cancel the license of the captain of the boat on which such person is employed or for which he is gathering oysters, as well as cancel the license to fish and gather oysters of such persons offending, and no new license shall be issued to such captain or to such person convicted, for a period not to exceed two years.

Art. 39. It shall be unlawful for any person at any time to place, to set, or drag, any seine or net, or use any other device or method for taking fish other than the ordinary pole and line or castnet, or minnow seine of not more than twenty feet in length for catching bait within the waters of Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces Bay, Ingleside Cove, Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, all of Aransas Bay between Port Aransas and Corpus Christi Bayou and lying between Harbor Island and Mud Island, Copano Bay, Mission Bay in Refugio County, Puerto Bay, St. Charles Bay, Hynes Bay, Contee Lake, Powderhorn Lake, Oyster Lake, the waters of the Gulf Shore Line one-fourth mile from mean low tide from the south end of Padre Island to a point on Mustang Island two miles north of Corpus Christi Pass, Offats Bayou in Galveston County from its head to its mouth, Sabine Pass, leading from Sabine Lake to the Gulf of Mexico, San Luis Pass, leading from Galveston West Bay to the Gulf of Mexico, Turtle Bay, Lost Lake and Old River Lake in Chambers County, as shown by the government charts, Brown's Cedar Pass, Mitchell's Cut, and Pass Cavallo, leading from Matagorda

Bay to the Gulf of Mexico; and Cedar Bayou, leading from Mesquite Bay to the Gulf of Mexico; North Pass or St. Jo Pass and Aransas Pass, leading from Aransas Bay to the Gulf of Mexico; Corpus Christi Pass, leading from Corpus Christi Bay to the Gulf of Mexico; Brazos Santiago Pass, leading from the Lower Laguna Madre to the Gulf of Mexico and the pass on the north of Lagunda Madre, leading into Corpus Christi Bay, which pass shall be defined as beginning one-fourth of a mile southwest of Peat Island and running from said point to Flour Bluff, all of said waters being situated in Nueces County and all other passes connecting the bays and tidal waters of the State within the Gulf of Mexico, or within one mile of such passes, or within the waters of any pass, stream, or canal, leading from one body of Texas bay or coastal waters into another body of such waters; provided that nothing in this article shall prevent the use of spear or gig and light for the purpose of securing flounders from such passes, at any time of the year except the months of November and December, which months shall constitute a closed season on flounders in all coastal waters of the State, and it shall be unlawful to possess or to take any flounders from the tidal waters of this State during the months of November and December of any year. And the Game, Fish and Oyster Commissioner whenever he has reason to believe it is best for the protection and conservation and increase of fish life, or to prevent their destruction in the bays or parts thereof, or such tidal waters he is hereby authorized to close such waters against fishing with any seine, net, spear, gig, light or other devices, except with hook and line or cast-net or minnow seine of not more than twenty feet in length; but before closing of bays or parts thereof, or of other tidal waters, against such seining or netting or the using of gigs, spears and lights, the Game, Fish and Oyster Commissioner shall give notice of a public hearing, and shall hold a public hearing in the port nearest the waters proposed to be closed and shall give notice of his intentions to close such bays or parts thereof of such tidal waters at least two weeks prior to such closing, giving the reason why such action is deemed necessary, and which notice shall contain a designation of

the area which it is proposed to close, a statement that after the date indicated in such notice it shall be unlawful to drag a seine or set a net or use a gig or spear and light in taking fish from such bays or parts of such tidal waters for the period of time which the Commissioner in said notice shall declare same to be closed; and such notice shall be posted in such fish houses as are in two towns nearest waters to be closed, and such notice shall contain the information as to where and when the public hearing is to be held; and provided, further, that the Game, Fish and Oyster Commissioner shall have the authority, when proper hearing has been had, and investigation been made, and he has determined that any such closed area in the tidal waters of this State does not promote conservation of fish, to open such areas to seining, netting, gigging and fishing of all sorts. For the purpose of locating all closed waters mentioned in this Act, it shall be the duty of the Game, Fish and Oyster Commissioner to have erected suitable stakes, monuments or markers at points determined by him as being the outermost boundaries of such closed waters, such stakes or markers to bear the words "Warning—Closed Waters." Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on first conviction, shall be fined not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, and shall have his license revoked for a period of time not exceeding two years; and on second conviction shall be confined in the county jail for not less than thirty, nor more than ninety days; and shall have his license revoked for a period of not less than two years; provided, further, that the Game, Fish and Oyster Commissioner or his deputy shall have power to seize and keep such seines, or other tackle in his possession as evidence until trial of defendant, and no suit shall be maintained against him therefor.

Art. 41. Nothing in the foregoing articles shall apply to vessels engaged in carrying freight or passengers, and engaged as seagoing vessels on coast and foreign trade, and licensed and recognized as such by the Federal government; and provided further that the Game, Fish and Oyster Commissioner may grant permits to persons desiring to fish,

to carry their boats, nets and seine, and vehicles into, over and on such passes or closed waters or on land to within the mile limits of such passes, and such permits shall state at what time such boats, vehicles, nets and seines shall be taken away from such mile limit and such passes.

Art. 48. If any person shall refuse to pay any tax provided in this Act, on any fish, oysters, shrimp, turtle, terrapin, clam, crabs, or other marine life, which he has sold, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars.

Art. 53. It shall be unlawful for any person to sell, or offer for sale, or to have in his possession, or to have on board any boat or to have in any mercantile business establishment, or in any market where merchandise is disposed of, any redfish, or channel bass of greater length than thirty-two inches, or less than fourteen inches; any salt water or speckled sea trout of less length than twelve inches; any sheephead of less than nine inches in length; any flounder of less than twelve inches in length, any popano of less than nine inches in length; any mackerel of less than fourteen inches in length, and any salt water gaff-top-sail of less than eleven inches in length.

The place of sale or offering for sale or possession shall for the purpose of this Act to establish venue, be either the place from which such fish are shipped, or where the fish are found, or offered for sale. It shall be unlawful in selling or offering for sale any fish mentioned in this article to sever the head from the body except in case of the redfish and catfish in which case the head shall only be severed through the gill-cavity and the gill-fins shall remain on the body of such redfish or catfish. Such headless body of a redfish shall not measure more than twenty-seven inches in length, and such headless body of a catfish shall not measure less than eight inches in length; and all fish marketed or sold as mentioned in this article, must be weighed and sold with the head attached, except redfish and catfish as mentioned herein.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum

of not less than ten (\$10.00) dollars, nor more than fifty (\$50.00) dollars.

Art. 55. It shall be unlawful for any person to take or kill or have in his possession at any time before September 1, 1929, any sea turtle known as the green turtle, and it shall be unlawful to destroy or take the eggs of such turtle and any person who shall take, kill, or have in his possession within such five years, or shall destroy or take the eggs of such turtle, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than fifty (\$50.00) dollars, nor more than one hundred (\$100.00) dollars.

Art. 60. It shall be unlawful for any person to set or drag in any of the fresh waters of this State any net or seine made of wire or other metallic substance.

It shall be unlawful for any person to take or catch or attempt to take or catch fish in the fresh waters, rivers, creeks, lakes, bayous, lagoons, or in lakes or sloughs, subject to overflow from rivers or streams in this State, by any other means, other than by the ordinary hook and line or trotline, or by a set or drag net or seine or trammel net, the meshes of which are three or more inches square, or by a minnow seine, not more than twenty feet in length, and it shall be unlawful for any person to place in the fresh water rivers, creeks, lakes, bayous, lagoons, of this State any net or other device or trap for taking or catching fish other than as designated and permitted by this article.

Any person violating any provision of this Section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars.

Any fish trap, net or seine or other fishing device found in the waters of this State, in violation of this article are hereby declared to be nuisances, and it shall be the duty of the Game, Fish and Oyster Commissioner and his deputies to destroy same wherever found, and no suit shall be maintained against them therefor. provided that the Game, Fish and Oyster Commissioner is authorized to close any of the water mentioned in this section against the use of nets or seines or any particular kind of such nets and seines, when-

ever he thinks that such closing is necessary or best to protect and conserve the fish in such waters. But before closing such waters against the use of seines or nets or any particular kind of seine or net, he shall give notice of posting his intentions for two weeks at not less than three stores or other places in proximity to such waters.

Any person who shall fish with a net or seine in such closed waters or shall use such particular kind of net or seine, as forbidden in such waters, after the notice given as above required, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five (\$25.00) dollars and no more than one hundred (\$100.00) dollars.

Art. 61. For the purpose of establishing the dividing line between the salt and fresh waters of this State, in so far as it pertains to the fishing laws, all fresh water rivers and streams in this State and all lakes, lagoons, and bodies of rivers, except tidal bays or coastal waters, such as bays and gulfs, shall be and are hereby declared to be fresh water streams and river to their mouths, and it shall be unlawful to set nets or drag seines or fish in other ways in such streams, rivers and their connecting lakes, lagoons, and bodies of water mentioned, except in conformity with the laws enacted to govern, apply and control in fresh water fishing.

Art. 64. It shall be unlawful for any person to catch any fish in the fresh waters of this State, with any seine or net other than minnow seine, not exceeding twenty feet in length, or to drag any seine, except such specified minnow seine, or to set any net, in the fresh waters of this State during the months of March and April, or to fish with any artificial bait of any kind in the fresh waters of this State during the months of March and April. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall be upon conviction fined a sum of not less than twenty (\$20.00) dollars, nor more than one hundred (\$100.00) dollars.

Provided this article shall not apply to any artificial lake, pond or pool, owned by any person, firm, corporation, city or town, that does not have as its source of water supply a river or creek or is not subject to overflow from a river or creek.

Art. 65. Any person who shall take or catch or have in possession any bass or crappie from the fresh waters of this State during the months of March and April of any year; or shall take, catch or have in possession any bass of less length than eleven inches, or any white perch or crappie of less length than seven inches, shall be deemed guilty of a misdemeanor, and on conviction shall be fined a sum not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars.

Art. 67. The Chief Deputy Game Fish and Oyster Commissioner and all other deputy fish and oyster commissioners and employes of the Game, Fish and Oyster Commissioner, except special game deputies, deputies employed at fresh water fish hatcheries and sand, shell and gravel deputy, shall be paid their salaries and expenses monthly upon approval of the Game, Fish and Oyster Commissioner out of the fish and oyster fund, the Comptroller drawing his warrant in favor of each of said persons on the fish and oyster fund, appropriated for said purposes, as follows: Chief Deputy Game, Fish and Oyster Commissioner, twenty-five hundred dollars per annum; deputies on boats, not to exceed one hundred twenty-five dollars per month; mates on boats, eighty dollars per month; shore deputies, not to exceed one hundred twenty-five dollars per month; lake deputies, not to exceed one hundred twenty-five dollars per month; assistant lake deputies, not to exceed seventy-five dollars per month, supervisor of coastal fisheries, not to exceed one hundred fifty dollars per month. It shall be the duty of the Game, Fish and Oyster Commissioner to collect all taxes, licenses and fines as imposed by law, and enforce their payment, to inspect all products so taxed, and to verify the weights and measures thereof, to collect license fees, to collect all rents on locations for planting oysters, to examine or have examined, all streams, lakes or ponds, when requested to do so, for the purpose of stocking such waters with fish, best suited to such locations and he shall superintend and have control in the propagation of fish in the State fish hatcheries, and the distribution of such fish, and he shall have superintendence and control of the propagation and distribution of birds and game in the State reservations over which he may have control, or which

may be established for such propagation. He shall also be allowed a sum not to exceed fifteen hundred dollars per annum for traveling and other expenses to be paid on vouchers showing that such amounts have actually been expended in the performance of his duties of said office, and he shall be allowed all stationery, books, blanks, tags, State laws and charts necessary to the execution of the duties of his office.

Sec. 2. All funds collected by the Game, Fish and Oyster Commission from the sale of commercial fishermen's licenses, fish dealers licenses, taxes on fish, crabs, oysters and shrimp, and all other taxed marine life, and all fines and penalties collected for all infraction of all laws relating to commercial fishermen, shall be placed in the State Treasury to the credit of a fund to be known as "Fish and Oyster Fund" and together with the money now to credit of this fund is hereby appropriated and shall be used by the Game, Fish and Oyster Commissioner in the enforcement of the fish and oyster laws of this State, and dissemination of useful information pertaining to the economic value of fish and oyster marine life; the making of scientific investigations and surveys of the principal sea food fishes and marine life, for purpose of the better protection and conservation of same; the propagation and distribution of sea food fishes, oysters, and other marine life; the purchase, repair and operation of boats and the employment of deputies to carry out and enforce the provisions of this Act.

Sec. 3. It shall be unlawful for any person, firm or corporation to erect, set, operate or maintain any fish pound net in any waters of the Gulf of Mexico within three nautical miles from the coast line of this State, without first obtaining a permit for such purpose. Application for such permit shall be made to the Game, Fish and Oyster Commissioner. Said commissioner shall issue to the person, firm or corporation applying therefor, if entitled thereto under the provisions of this Act, a permit duly signed, to erect, set, operate, or maintain a fish pound net in the waters above specified. No person, firm or corporation shall set, erect, operate or maintain any pound net at any place closer than three miles of any other pound net owned or operated by any other person, or corporation; provided, further,

that no pound net shall ever be placed or operated closer than three miles of any pass mentioned in this Act. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars.

Sec. 4. It shall be unlawful for any person, firm or corporation, or their agents, to buy or sell, or offer for sale, or offer to buy, or have in his or their possession for sale, or to carry, transport, or ship for the purpose of sale, barter or exchange any fresh water crappie or bass within the State of Texas.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum not exceeding one hundred dollars, and each sale or shipment or act in violation hereof shall constitute a separate offense.

Sec. 5. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 6. The fact that there are now no efficient laws for the preservation, propagation and protection of the fish and other aquatic animal life of the State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House should be suspended, and that this Act take effect from and after its passage, and it is so enacted.

SHEARER,  
WELLS,  
SMITH,

On the part of the House.

WOOD,  
REID,  
BERKELEY,  
TRIPLETT,

On the part of the Senate.

The above report was read and adopted.

#### Senate Bill No. 189—Conference Committee Report On.

By Senator Hardin of Erath:  
Hon. Barry Miller, President of the Senate, and Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to consider the differences between the two Houses on S. B. No. 189, A bill to be entitled "An Act reorganizing the State of



Texas into supreme judicial districts for the purpose of constituting and organizing courts of civil appeals therein; creating the Eleventh Supreme Judicial District of Texas with Eastland as the site of said court; providing for the appointment and qualification of judges of said Eleventh Supreme Judicial District and other officers thereof; providing for the transfer of cases and regulating of appeals from lower courts, and declaring an emergency."

Have met and after a full and free conference have agreed on the differences between the two Houses and do hereby make the recommendation that the same be adopted, with the following committee amendment, which is a substitute bill:

By Committee. C. S. S. B. No. 189.

#### A BILL

#### To Be Entitled

An Act reorganizing the State of Texas into supreme judicial districts for the purpose of constituting and organizing courts of civil appeals therein; creating the Eleventh Supreme Judicial District of Texas, with Eastland as the site of said court; providing for the appointment and qualification of the judges of said Eleventh Supreme Judicial District, and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Eleventh Supreme Judicial District of Texas, making appropriation for support of said court, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas shall be and is hereby divided in eleven supreme judicial districts, for the purpose of constituting and organizing court of civil appeals therein, respectively:

1. The following counties shall compose the First Supreme Judicial District: Houston, Walker, Harris, Grimes, Washington, Waller, Fort Bend, Brazoria, Matagorda, Wharton, Colorado, Austin, Lavaca, Jackson, Anderson, Chambers, DeWitt, Galveston, Burleson, and Trinity.

2. The following counties shall compose the Second Supreme Judicial District: Wichita, Cooke, Montague, Clay, Archer, Young, Jack,

Wise, Denton, Tarrant, Parker, Hood, Somervell, Johnson, Palo Pinto, Baylor, and Knox.

3. The following counties shall compose the Third Supreme Judicial District: Coleman, Mills, Lampasas, San Saba, McCulloch, Concho, Llano, Burnet, Williamson, Milam, Lee, Bastrop, Travis, Blanco, Hays, Comal, Caldwell, Sterling, Tom Green, Irion, Schleicher, Crockett, Brown, Bell, Runnels, Coke, and Fayette.

4. The following counties shall compose the Fourth Supreme Judicial District: Val Verde, Sutton, Edwards, Kinney, Maverick, Menard, Kimble, Kerr, Bandera, Uvalde, Zavalla, Dimmit, Webb, LaSalle, Frio, Medina, Duval, McMullen, Atascosa, Bexar, Kendall, Gillespie, Mason, Guadalupe, Wilson, Live Oak, Zapata, Bee, Gonzales, Karnes, Calhoun, Victoria, Goliad, Refugio, San Patricio, Aransas, Nueces, Hidalgo, Cameron, Starr, Jim Hogg, Real, Brooks, Jim Wells, Kleberg, Kenedy, and Willacy.

5. The following counties shall compose the Fifth Supreme Judicial District: Grayson, Collin, Dallas, Rockwall, Ellis, Navarro, Kaufman, Henderson, Van Zandt, Rains, Hunt, Wood and Delta.

6. The following counties shall compose the Sixth Supreme Judicial District: Lamar, Red River, Bowie, Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Fannin, Cherokee, Gregg, Harrison, Panola, Smith, Upshur, and Rusk.

7. The following counties shall compose the Seventh Supreme Judicial District: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Brisco, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Hardeeman, Wilbarger, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dickens, Kent, and King.

8. The following counties shall compose the Eighth Supreme Judicial District: Gaines, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, Culberson and Hudspeth.

9. The following counties shall compose the Ninth Supreme Judicial

District: Shelby, Nacogdoches, Angelina, San Jacinto, Montgomery, Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine and San Augustine.

10. The following counties shall compose the Eleventh Supreme Judicial District: McLennan, Coryell, Falls, Robertson, Hamilton, Limestone, Hill, Freestone, Madison, Bosque, Brazos and Leon.

11. The following counties shall compose the Eleventh Supreme Judicial District: Stonewall, Haskell, Throckmorton, Stephens, Shackelford, Jones, Mitchell, Nolan, Taylor, Callahan, Eastland, Dawson, Howard, Scurry, Fisher, Comanche, Erath, Palo Pinto and Borden.

Sec. 2. Within thirty days after the passage of this Act the Governor shall by and with the consent of the Senate, if in session, appoint one chief and two associate justices for the Eleventh Supreme Judicial District, who shall each reside in the territorial limits of the Eleventh Supreme Judicial District, and who shall possess the qualifications now required by law, who shall constitute the Court of Civil Appeals within and for the Eleventh Supreme Judicial District, and who shall hold their offices until the next general election in 1926, and who shall thereafter be elected and qualify as provided and required by Article 1581 of the 1911 Revised Statutes of Texas.

Sec. 3. The Court of Civil Appeals for the Eleventh Supreme Judicial District shall hold its sessions in the city of Eastland, in the county of Eastland, and its term shall commence on the first Monday of October of each year and shall continue in session until the first Monday in July of each succeeding year, provided, however, that said court may com-

mence its first session immediately upon appointment and qualification of the judges thereof and the organizing of the court; and provided further, that the court shall be located at Eastland, Eastland County, Texas, and the commissioners court of said county shall furnish, provide and equip a suitable room or rooms and library for said court and the members thereof, without cost or expense to the State.

Sec. 4. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the salaries of judges and for the maintenance of the Eleventh Court of Civil Appeals of the State of Texas, for the period beginning May 1, 1925, and ending August 31, 1925, as follows:

Salaries of:	
Three judges .....	\$5,000.00
Clerk .....	1,000.00
Stenographer .....	500.00
Porter .....	200.00
Record books, stationery, ice, telegraph, express, postage, box rent and contingent expenses .....	200.00
One typewriter .....	100.00
Total .....	\$7,000.00

Sec. 5. There is hereby appropriated the following sums of money, or so much thereof as may be necessary, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salaries of judges and for the maintenance of the Eleventh Court of Civil Appeals of the State of Texas for the two-year period beginning September 1, 1925, and ending August 31, 1927, as follows:

	For the Years Ending Aug. 31, 1926.	For the Years Ending Aug. 31, 1927.
Salaries of:		
Three judges .....	\$ 15,000.00	\$ 15,000.00
Clerk .....	3,000.00	3,000.00
Deputy clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Bailiff .....	100.00	100.00
Porter .....	600.00	600.00
Record books, stationery, ice, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Typewriters .....	200.00	100.00
Fuel and lights .....	300.00	300.00
Totals .....	\$ 22,700.00	\$ 22,700.00

Sec. 6. The crowded condition of the docket of the Second Supreme Judicial District of Texas, and the unprecedented increase in litigation in the counties of the Eleventh Supreme Judicial District and the long distance intervening from said counties to any court of civil appeals in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

SPARKS,  
POPE.  
LAIRD,  
SANFORD,  
DANIEL,

On the part of the House.

HARDIN of Erath,  
MILLER,  
PARNELL,  
FLOYD,  
WOODWARD,

On the part of the Senate.

The above report was read and adopted, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Wirtz.
Murphy.	Wood.
Parnell.	Woodward.

Absent.

Floyd.	Ward.
Holbrook.	Witt.
Moore of Cooke.	

Senate Bill No. 345.

The Chair laid before the Senate, on second reading,

S. B. No. 345, A bill to be entitled "An Act to amend Article 2914 of the Revised Statutes of Texas of 1911, relating to dividing cities and towns into electing precincts by the commissioners' court, so as to provide that it shall be the duty of commissioners' courts to re-establish and reorganize

the election precincts in incorporated cities, towns and villages so that no such precinct shall have resident therein more than four hundred voters as shown by the vote cast at the last preceding general city election, and providing for additional subdivision of such precincts when the numbers of voters therein exceed four hundred; providing when an election precinct shall not be made out of parts of two or more words; providing a method for enforcing the provisions of this Act, and declaring an emergency."

The bill was read second time, and Senator Moore of Hunt offered the following amendments, severally, which were read and adopted:

1. Amend S. B. No. 345, as printed in Senate Journal on page 1289 to 1290, by adding at the end of Section 1, the following:

"Provided, that the provisions of this Act shall apply only to incorporated cities, towns or villages having election precincts therein containing more than four hundred (400) voters as determined by this Act."

2. Amend S. B. No. 345, page 1290, by striking out the word "sections" between the words "many" and "precincts" in Section 1, and insert in lieu thereof the word "election."

The bill was passed to engrossment, by the following vote:

Yeas—14.

Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Moore of Hunt.	Smith.
Parnell.	Triplett.
Parr.	Wirtz.
Pollard.	Woodward.

Nays—10.

Bailey.	Moore of Cooke.
Fairchild.	Murphy.
Hardin of Kaufman	Russek.
Lewis.	Strong.
Miller.	Ward.

Absent.

Bowers.	Stuart.
Floyd.	Witt.
Hardin of Erath.	Wood.
Holbrook.	

House Bill No. 673.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 673 put on its third reading and final passage, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

The Senate rule, requiring committee reports to lay over for one day, was suspended.

The Chair laid before the Senate, on second reading,

H. B. No. 673, an amendment to the independent school district law for San Antonio.

The committee report, providing that the bill be not printed, was adopted.

The bill was then passed to a third reading.

## Senate Bill No. 459.

Senator Hardin of Kaufman called up, and the Chair laid before the Senate, on second reading,

S. B. No. 459, A bill to be entitled "An Act making certain appropriations for the State Reclamation Department."

There was objection to taking the bill up and Senator Hardin of Kaufman moved that the bill be taken up out of its order, which motion was lost, by the following vote, a four-fifths vote being necessary:

## Yeas—13.

Berkeley.	Reid.
Hardin of Kaufman.	Russek.
Murphy.	Strong.
Parnell.	Triplett.
Parr.	Ward.
Pollard.	Wood.
Price.	

## Nays—12.

Bledsoe.	Miller.
Bowers.	Moore of Cooke.
Davis.	Real.
Fairchild.	Smith.
Holbrook.	Wirtz.
Lewis.	Woodward.

## Absent.

Bailey.	Moore of Hunt.
Floyd.	Stuart.
Hardin of Erath.	Witt.

## House Bill No. 523.

The Chair laid before the Senate, on second reading,

H. B. No. 523, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not less than 17,000, according to the United States census of 1920, and which have an area of not less than 1,060 square miles, nor more than 1,200 square miles, and which have assessed valuation of not less than \$10,000,000, and which do not contain a city or town of more than 7,500, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

Senator Lewis offered the following amendment, which was read and adopted:

Amend H. B. No. 523 by adding to Section 1 thereof the following:

"Provided that nothing herein shall affect or apply to the counties of Grimes, Houston, Leon, Madison, Montgomery, Polk, San Jacinto, Trinity and Walker, in said State."

The bill was passed to a third reading.

## House Bill No. 575.

The Chair laid before the Senate, on second reading,

H. B. No. 575, A bill to be entitled "An Act fixing the compensation of county commissioners in counties which now have or may hereafter have an area of not less than 650 square miles, nor more than 850 square miles, and a population of not less than 25,000 nor more than 30,000, according to the last United States census, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and Senator Lewis offered the following amendment, which was read and adopted:

Amend H. B. No. 575, by adding to Section 1 thereof, the following:

"Providing that nothing herein shall affect or apply to the counties of Grimes, Houston, Leon, Madison, Montgomery, Polk, San Jacinto, Trinity and Walker in said State."

The bill was read and passed to a third reading.

**Senate Bill No. 443.**

On motion of Senator Price S. B. No. 443 was laid on the table, subject to call.

**House Bill No. 74.**

Senator Woodward moved that H. B. No. 74 be indefinitely postponed. The motion was adopted.

**Free Conference Committee Report on House Bill No. 100.**

By Senator Pollard:

Hon. Barry Miller, President of the Senate:

Hon. Lee Satterwhite, Speaker of the House of Representatives:

We, your Free Conference Committee, appointed on the part of the Senate and on the part of the House, to adjust the differences between said bodies on H. B. No. 100, being entitled An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of one and a half million (\$1,500,000.00) dollars per year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1926, and August 31, 1927, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished, and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over four hundred scholastics, or any school located in a district of over five hundred (500) scholastics, shall receive such aid, giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to plans approved by the State Department of Education; pro-

viding assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Have had the same under consideration, and beg leave to report back to the two Houses that we have adjusted the differences between the House and the Senate, and recommend that the substitute bill hereto attached do pass.

STRONG,  
POLLARD,  
FLOYD,

On the part of the Senate.

WALLACE,  
STOREY,  
JOHNSON,  
MOORE,  
BRBYANT,

On the part of the House.

Senator Pollard moved that the report be adopted, and Senator Woodward moved, as a substitute, that the report be rejected and a new conference committee be appointed.

Pending discussion, Senator Wirtz, at 5 o'clock p. m., moved that the Senate recess until 7:30 o'clock tonight, which motion was lost, by the following vote:

**Yeas—11.**

Bailey.	Parr.
Davis.	Real.
Holbrook.	Strong.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Parnell.	

**Nays—17.**

Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Reid.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Lewis.	Wood.
Miller.	Woodward.
Moore of Hunt.	

**Absent.**

Bowers.	Witt.
Russek.	

(President Pro Tem Wirtz in the Chair.)

Senator Parnell moved the previous question on the two pending motions, which motion being duly seconded, was ordered.

Action recurred on the substitute motion, which was lost, by the following vote:

Yeas—9.

Bailey.	Real.
Holbrook.	Triplett.
Moore of Cooke.	Wirtz.
Murphy.	Wood.
Parr.	

Nays—16.

Berkeley.	Parnell.
Bledsoe.	Pollard.
Fairchild.	Price.
Hardin of Erath.	Reid.
Hardin of Kaufman.	Smith.
Lewis.	Stuart.
Miller.	Ward.
Moore of Hunt.	Woodward.

Absent.

Bowers.	Davis.
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(Pairs Recorded.)

Senator Strong (present), who would vote nay; with Senator Witt (absent), who would vote yea.

Senator Floyd (present), who would vote nay; with Senator Russek (absent), who would vote yea.

The Free Conference Committee report was then adopted, by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.
Parnell.	

Nays—2.

Murphy.	Wirtz.
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Absent.

Bowers.	Russek.
Davis.	Witt.

Following is the bill in full:

By Committee. H. B. No. 100.

A BILL

To Be Entitled

An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of one and a half million (\$1,500,000.00) dollars per year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1926, and August 31, 1927, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished, and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over four hundred scholastics, or any school located in a district of over five hundred (500) scholastics, shall receive such aid, giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting the public school interests of rural schools and those of small towns, and of aiding the people in providing better school facilities for the education of their children, one and a half million (\$1,500,000.00) dollars, or such part thereof as may be necessary, is hereby appropriated, for the school year ending August 31, 1926, and one and a half million (\$1,500,000.00) dollars, or such part thereof as may be necessary for the year ending August 31, 1927, to be used in accordance with the provisions of this Act in aiding rural schools and those of small towns.

Sec. 2. State aid under the provisions of this Act may be distributed in such way to assist all schools of not more than 400 scholastic enrollment located in common or independent districts of not more than 500 scholastics to maintain the school for such length of term, not to exceed eight months, as may be desired by the district board of school trustees, the granting of such aid to be subject to the following conditions:

1. Each school receiving this aid shall be provided with a suitable schoolhouse, erected in accordance with the Texas Schoolhouse Building Law, or meeting substantially the requirements thereof, which shall be well located on a plot of ground not less than one acre in extent, properly drained.

2. Each such school shall be provided with necessary desks, seats and blackboards, with library, maps and charts, with such heating and ventilating equipment and such sanitary closets as are approved by the State Superintendent or his representative.

3. Teachers employed in State aid schools shall furnish to the State Superintendent satisfactory evidence of professional training and worthy service.

4. No common or independent school district shall be eligible to receive aid unless it shall be providing for the maintenance of its schools by voting and levying a local school tax of not less than seventy-five cents on the hundred dollars of property valuation; and provided further that the property valuation shall not be less than said property is valued for State and county purposes.

5. Each school receiving State aid under the provisions of this Act shall teach the common school sub-

jects as prescribed by law, and shall follow the State course of study and shall be required to observe the school laws and rulings of the State Superintendent of Public Instruction and State Board of Education.

6. After August 31, 1926, no district shall be granted aid to be used directly or indirectly in assisting the district to liquidate outstanding indebtedness previously contracted.

Sec. 3. Schools of not more than four hundred (400) and not less than fifteen (15) scholastics located in districts of not more than 500 enrollment, complying with the foregoing conditions may send to the State Superintendent on blanks provided by the State Department of Education, a list of teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required. The State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as may be necessary to maintain the school for the desired length of term, provided that this period of not longer than eight scholastic months.

It is hereby provided further that sparsely settled counties having less than 1400 scholastic population in the common school district may be exempted from the minimum restrictions of this section, provided that each district applying for aid votes and levies the limit of local support as provided in this bill.

Sec. 4. It is expressly hereby provided that all school districts meeting the requirements of this Act and not having sufficient available school funds to maintain their schools six months in the year shall be given the preference in the distribution of this fund to the end that all the public schools in the State can be maintained at least six months in the year, provided that no salaries to be paid out of State and county funds shall exceed those permitted in the general school laws in accordance with the grade of certificate held.

Sec. 5. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of the rural school from State aid funds for a period of not exceeding six

months even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be voted by the patrons of said school district and cannot be waived by the State Board of Education, and provided further, that the amount granted in no case shall exceed \$300.00.

Sec. 6. Under the provisions of this Act no one-teacher school, with an enrollment of more than twenty pupils, shall be eligible to receive aid, if said school offers work above the seventh grade, as outlined by the State course of study; provided, however, that in addition to the funds allotted to any district for a one-teacher school of not more than seven grades, a grant not to exceed five dollars per month for each child of scholastic age residing in the district and desiring to attend a public high school in another district may be made on the recommendation of the county superintendent, for a period not to exceed the number of months the public schools are maintained in the district of such child's residence, if the said district does not maintain a public high school open to such pupil; and provided further that no such grant may be made unless satisfactory evidence of the actual enrollment of such child in a high school is furnished by the principal thereof, and then only for the months in which such child is in regular attendance on such high school. Said allowance of \$5.00 per capita per month is to be in lieu of a transfer of the State and county per capita apportionment, and if such transfer is made, a credit shall be allowed the district for the same. The funds due to high school pupils, as provided in this section, shall be paid to them by warrants drawn by the trustees of the district, against the funds granted said district for such purpose.

Only districts that are levying and collecting a local tax of not less than seventy-five cents on the hundred dollars' valuation are eligible for this special aid. The funds due for such tuitions shall be paid by warrant drawn by the trustees of the pupil's home district against the funds granted said district for such purpose.

Sec. 7. State aid to the amount of not more than \$250.00 to any one school in a district which will provide for proper instruction and demonstration in farm mechanics and carpentry, gardening and agriculture,

home economics and sanitation, sewing, cooking and canning, according to plans furnished and approved by the State Department of Education, may be granted from the appropriation authorized by this Act. It is expressly provided that the school district which applies for special aid under this section must be complying with the foregoing conditions as stated in Section 2 of this Act.

Sec. 8. It is hereby further provided that the sum of one thousand (\$1,000.00) dollars may be granted by the State Superintendent, with the approval of the State Board of Education, for each rural consolidation effected during the biennium ending August 31, 1927, between two or more common school districts, or between an independent school district and one or more common school districts, provided the total scholastic population does not exceed five hundred in such consolidated district; provided such consolidation results in the erection of a rural high school building with not fewer than four teachers, or the addition of at least one room and one teacher, as a consequence of the consolidation, to the high school already provided, and resulting in a school of not fewer than four teachers. This sum shall become available when the building has been erected, or is nearing completion.

Sec. 9. Consolidated rural schools, formed in accordance with Section 8 of this Act, which make provisions for transportation of pupils to and from said schools at public expense, may be granted from this fund in addition to the amount provided in Section 8 of this Act, a sum equal to one-half the cost of transportation, in amount not to exceed five hundred (\$500.00) dollars for any one school, provided the contract for said transportation be approved by the State Superintendent.

Sec. 10. Except as authorized in Sections 8 and 9, no district shall receive a total of more than one thousand (\$1,000.00) dollars in any one year under the provisions of this Act.

Sec. 11. General power of the State Board of Education.—The State Board of Education shall be authorized and it shall be their duty to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as, in its opinion, may be necessary to carry out the provisions and intentions of this Act. They shall have



the power to impose such other conditions and regulations as to the granting of State aid as may not conflict with provisions herein specified, as, in their opinion, may be for the best interests of the schools for whose benefit the funds are appropriated.

Sec. 12. Duties of the State Superintendent of Public Instruction.—It shall be the duty of the State Superintendent of Public Instruction to go in person or to send one of the rural school supervisors, authorized by this Act, who shall make a thorough investigation in person or through representatives approved by the State Board of Education, of the grounds, buildings, equipment and possibilities of each school applying for State aid under the provisions of this Act, and aid shall not be granted to any school unless it be shown that such aid is actually needed for efficiency of school work and for the desired length of term. In cases where exceptional conditions, or lack of sufficient supervisory force renders personal inspection by the Department of Education impossible in time to grant State aid to some schools, the State Superintendent shall pursue such course, in regard to the final granting of State aid to such schools, as, on his recommendation, may be approved by the State Board of Education.

Sec. 13. Warrants and Reports.—Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers or depositories of school districts to which State aid is granted in the same manner as warrants for State apportionment are now transmitted, and it shall be the duty of all treasurers or depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditure of all money granted under the provisions of this Act.

Sec. 14. Apportionment Privileges.—County school and small town schools shall be entitled to share in the distribution of State and county available school funds, and in all other school funds in the same manner as other school funds, and in all other school districts; and in case high school grades are maintained the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vo-

cational or industrial purposes to high schools of the State although it accepts the provisions of this Act.

Sec. 15. No part of the funds herein appropriated shall be used to increase the minimum monthly salary of teachers over that specifically contracted for in their employment. By this section it is meant that no part of funds appropriated herein shall be used to supplement or add to any monthly salary of any teacher originally contracted for by such teacher and should any school, which would otherwise be eligible to receive funds under this Act, agree or promise to pay an additional amount, or bonus to any teacher above the minimum monthly salary originally contracted for by such teacher, then such school shall forfeit its right to receive aid under this Act.

Sec. 16. The fact that many schools in our rural communities are in need of aid, and the further fact that public policy requires that proper provisions be made for the maintenance and support of our schools with as little delay as possible, and that considerable time is required in preparation for carrying out the terms of this Act before the schools can take advantage of the provisions stated herein creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 682, A bill to be entitled "An Act creating and incorporating the Tolosa Common School District in Kaufman County."

The House has concurred in Senate amendments to H. B. No. 219.

The House has adopted the report of the Free Conference Committee on H. B. No. 100.

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill No. 580.**

Senator Parnell moved that H. B. No. 580 be indefinitely postponed, which motion was adopted.

**Senate Bill No. 406.**

Senator Davis moved that the Senate concur in the House amendments to S. B. No. 406.

Senator Murphy moved that the Senate do not concur in the House amendments, but request appointment of a Free Conference Committee.

The substitute motion was lost, by the following vote:

**Yeas—9.**

Floyd.	Murphy.
Hardin of Erath.	Price.
Hardin of Kaufman	Strong.
Holbrook.	Wirtz.
Moore of Cooke.	

**Nays—16.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Davis.	Reid.
Fairchild.	Smith.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Parnell.	Ward.

**Absent.**

Russek.	Wood.
Witt.	Woodward.

**(Pair Recorded.)**

Senator Miller (present), who would vote nay; with Senator Bowers (absent), who would vote yea.

The motion to concur in the House amendments was then adopted, by the following vote:

**Yeas—19.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Woodward.
Parnell.	

**Nays—8.**

Hardin of Erath.	Murphy.
Hardin of Kaufman	Price.
Moore of Hunt.	Strong.
Moore of Cooke.	Wirtz.

**Absent.**

Bowers.	Witt.
Russek.	Wood.

**House Bill No. 672.**

The Chair laid before the Senate, on second reading,

H. B. No. 672, A bill to be entitled "An Act creating the Mundell Independent School District in Dallas County."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

**Bills Signed.**

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 228.  
S. B. No. 183.  
S. B. No. 440.  
S. B. No. 449.  
S. B. No. 451.  
S. B. No. 310.  
S. B. No. 208.  
S. B. No. 445.  
S. B. No. 453.  
H. B. No. 584.  
H. B. No. 253.  
H. B. No. 595.  
H. B. No. 104.  
H. B. No. 249.  
H. B. No. 355.  
H. B. No. 246.  
S. J. R. No. 9.  
H. C. R. No. 48.  
H. C. R. No. 52.  
(Signed by President Pro Tem Wirtz):  
S. C. R. No. 37.

**House Bills on First Reading.**

The following House Bills were laid before the Senate, read severally, first time, and referred to appropriate committees:

H. B. No. 16, referred to Committee on Civil Jurisprudence.

H. B. No. 677, referred to Committee on Educational Affairs.

H. B. No. 678, referred to Committee on Educational Affairs.

H. B. No. 192, referred to Committee on Civil Jurisprudence.

H. B. No. 646, referred to Committee on Educational Affairs.

H. B. No. 654, referred to Committee on Towns and City Corporations.

H. B. No. 656, referred to Committee on Educational Affairs.

H. B. No. 683, referred to Committee on Educational Affairs.

H. B. No. 648, referred to Committee on Educational Affairs.

H. B. No. 273, referred to Committee on State Affairs.

H. B. No. 658, referred to Committee on Highways and Motor Traffic.

H. B. No. 393, referred to Committee on State Affairs.

H. B. No. 673, referred to Committee on Educational Affairs.

H. B. No. 682, referred to Committee on Educational Affairs.

#### Senate Bill No. 469.

Senator Stuart moved to suspend the regular order of business and take up, out of its order, S. B. No. 469.

#### Recess.

On motion of Senator Fairchild the Senate, at 5:30 o'clock p. m., recessed until 7:30 o'clock tonight.

#### After Recess.

The Senate was called to order by President Pro Tem Wirtz.

#### In Committee of the Whole.

The Senate resolved into a committee of the whole pursuant to adjournment. President Pro Tem Wirtz presiding.

#### In the Senate.

At 10 o'clock p. m. the committee of the whole arose and the chairman, Senator Wirtz, reported to the Senate that the committee reports progress and desires to meet tomorrow night to hear further evidence.

#### Adjournment.

On motion of Senator Wirtz, the Senate adjourned until 10 o'clock tomorrow morning.

### APPENDIX.

#### Committee Reports.

##### Committee Room.

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 682, being a local school bill,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN of Kaufman,  
Vice-Chairman.

(Majority Report.)

##### Committee Room.

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 469, A bill to be entitled "An Act making an appropriation of \$150,000.00 to construct and equip a psychopathic hospital in the City of Dallas, as provided for in H. B. No. 249, passed by the Thirty-ninth Legislature, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

DAVIS, Chairman.

(Minority Report.)

##### Committee Room.

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 469, A bill to be entitled "An Act making an appropriation of \$150,000.00 to construct and equip a psychopathic hospital in the City of Dallas, as provided for in H. B. No. 249, passed by the Thirty-ninth Legislature, 1925, and declaring an emergency."

Differ with the majority and recommend that same do pass, and be not printed.

REID.

HARDIN of Erath.

##### Committee Room.

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 658, A bill to be entitled "An Act providing for better and more efficient road construction and maintenance in DeWitt County,

Texas, being a local and special road law for said county, providing penalties for the violation of any of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 14, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 608, A bill to be entitled "An Act amending an Act of the Thirty-eighth Legislature, Chapter 92, page 335, said Act being a special road law for Nacogdoches County, so as to eliminate Section 11 of said Act and provide for three days warning to road hands instead of fifteen days, and repealing all Special Laws relating to public roads of Nacogdoches County, as well as all General Laws in conflict with this Act, and to create by this Act a more efficient road system for Nacogdoches County, Texas; to provide for the appointment of hands and laying out of road precincts, specifying those subject to road duty and the number of days they shall work upon the public roads each year; to provide for relieving citizens of road duty by payment to the county treasurer of five (\$5.00) dollars for each road year; to encourage donation to the public roads by citizens of said county, and providing for donations to be duplicated by the county treasurer out of the road and bridge fund of said county; providing for appointment of road overseers; making county commissioners of said county supervisors of the roads in their commissioners' precinct; prescribing their duties; prescribing the mode of warning those subject to road duty under the terms of this Act, and making it a misdemeanor to violate the provisions of this Act, and fixing a penalty therefor; and repealing all General and Special Laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 678, A bill to be entitled "An Act to amend Chapter 8, Special Laws of the Thirty-sixth Legislature, Third Called Session, the same being an Act creating and establishing the Paint Rock Independent School District in Concho County, Texas, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 468, A bill to be entitled "An Act adding to and making a part of the Center Common School District No. 34 of Fisher County, Texas, certain lands and territory contiguous thereto and described by metes and bounds, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 677, A bill to be entitled "An Act to create Henderson Independent School District in Concho County, Texas, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 466, A bill to be entitled "An Act to make an appropriation of the sum of ten thousand dollars or so

much thereof as may be necessary, payable out of general revenue not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of the officers and employes of the Thirty-ninth Legislature of the State of Texas, providing for the approval of accounts, and declaring an emergency.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 467, A bill to be entitled "An Act making an appropriation for two years of any unexpended balance of an appropriation made to acquire additional lands for the University of Texas, which appropriation was made by the Thirty-eighth Legislature at its Third Called Session, said Act being Chapter 20 of the General Laws of the Third Called Session of the Thirty-eighth Legislature; the appropriation being made in view of the bonds given in pursuance of Chapter 137, General Laws, Regular Session, Thirty-seventh Legislature, and Chapter 20, General Laws, Third Called Session, Thirty-eighth Legislature, which bonds guarantee that such lands may be acquired at a cost not to exceed the amount appropriated by the Legislature for that purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 460, A bill to be entitled "An Act to make a supplementary appropriation out of the general revenue of the State of Texas, not otherwise appropriated, for the support and maintenance of the State Ranger Force, to be added to the appropriation as made by Senate Bill

No. 183, passed by the Regular Session of the Thirty-ninth Legislature, for the years beginning September 1, 1925, and ending August 31, 1927.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 459, A bill to be entitled "An Act making certain appropriations for the State Reclamation Department."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, with the following committee amendment:

Add the following at the beginning of Section 2:

"This appropriation is in addition and supplemental to the appropriations made for the State Reclamation Department in the Departmental Appropriation Bill passed by the Thirty-ninth Legislature at its Regular Session."

DAVIS, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 462, A bill to be entitled "An Act making a supplementary appropriation to pay for work to be carried on in the Engineering Experiment Station at the University of Texas for the years beginning September 1, 1925, and ending August 31, 1927."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

DAVIS, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 462, A bill to be entitled "An Act making a supplementary appropriation to pay for work to be carried on in the Engineering Experiment Station at the University of Texas for the years beginning September 1, 1925, and ending August 31, 1927.

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOOD,  
RUSSEK.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 470, A bill to be entitled "An Act providing for the sale to the United States of twenty-two acres of land owned by the State of Texas, located near El Paso and known as the abandoned site of the School of Mines and Metallurgy; regulating the manner, terms and price of the sale; authorizing and empowering the Governor to make the sale; providing for the payment of the purchase money into the State Treasury for the benefit of the Permanent Fund of the University; directing the issuance and delivery of patent by the Commissioner of the General Land Office, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

REAL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 673, A bill to be entitled "An Act to amend Section 3, Chapter 51, Local and Special Laws of the

State of Texas, passed at the Regular Session of the Thirty-seventh Legislature, providing for the time for the election of trustees of the San Antonio Independent School District, so as to change the time of holding said election."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN of Kaufman,  
Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 422 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 325 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 10 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 456 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 364 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 460 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed bills have had S. B. No. 464 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 463 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 463 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 466 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 467 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 349 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 458 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 470 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 228 carefully examined and compared, and find same correctly enrolled, and have this day at 10:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 9 carefully examined and compared, and find same correctly enrolled, and have this day at 10:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 183 carefully examined and compared, and find same correctly enrolled, and have this day at 10:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 440 carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 449 carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 451 carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 208 carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 453 carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 445 carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 310

carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock presented same to the Governor for her approval.  
FLOYD, Chairman.

#### Bills Ordered Printed in Journal.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 393, Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.  
WIRTZ, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 16. Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.  
BAILEY, Chairman.

#### FORTY-NINTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, March 17, 1925.  
The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.